



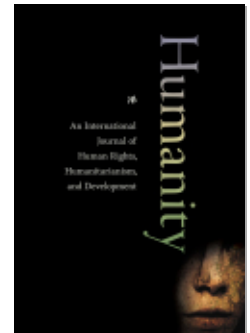
PROJECT MUSE®

Impossible Conditions of Life: Famine, Humanitarian Management, and Genocide in Gaza

Melanie Schulze Tanielian

Humanity: An International Journal of Human Rights, Humanitarianism, and Development, Volume 16, Numbers 1-2, Spring/Summer 2025, pp. 85-115 (Article)

Published by University of Pennsylvania Press



➔ For additional information about this article

<https://muse.jhu.edu/article/985995>



This work is licensed under a Creative Commons Attribution 4.0 International License.
[140.99.8.105] Project MUSE (2026-06-11 03:49 GMT)

Impossible Conditions of Life: Famine, Humanitarian Management, and Genocide in Gaza

On May 10, 2024, South Africa issued its third request to the International Court for Justice (ICJ), also called the World Court, in The Hague, Netherlands, for additional provisional measures as the “Israeli assault on Rafah is deliberately inflicting on Palestinians conditions of life calculated to bring about their physical destruction.” The southern city had been the last refuge for Palestinians in Gaza, but it was no longer safe.¹ The request was an urgent follow-up by the South African legal team in its case against Israel filed in December 2023.² The South African Republic had instituted proceedings at the court to “protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Conventions” and to “ensure Israel’s compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and punish genocide.”³ An earlier request from February 12, 2024, had not led to any additional measures but only a reminder to Israel that it was obligated to “immediately and effectively” implement the measures ordered by the court on January 26, 2024, and report on measures taken within a month. The court ordered Israel to “take all measures to prevent genocidal acts,” including punishing incitement to genocide, “take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II and Article III of [the Genocide Convention]” and “take immediate and effective measures to enable the *provision* of urgently needed basic services and humanitarian assistance.”⁴

When the court began its hearing in January, experts noted that famine in Gaza was about a month away. It was imminent already then. Indeed, at the heart of the South African legal case was what UN workers and officials have described “as a silent killer of people”⁵—namely, the systematic reduction of essentials to starvation levels. A week before the case’s hearing, the UN undersecretary-general Martin Griffith posted on social media: “You think getting aid into Gaza is easy? Think again.”⁶ He called for an immediate stop to the war, as the situation had become unbearable for the people on the ground. He summarized the impediments to aid: “Three layers of inspection, before trucks can even enter; Confusion and long queues; A growing list of rejected items; A crossing point meant for pedestrians, not trucks; Another crossing point where trucks have been blocked by desperate, hungry communities; A destroyed commercial sector; constant bombardment; Poor communication. Damaged roads; Convoys shot at. Delays at checkpoints; a traumatized and exhausted population crammed into a smaller and smaller sliver of land; Shelters which long have exceeded their full capacity; Aid workers themselves displaced, killed.”⁷ South African lawyer Adila Hassim presented Griffith’s statement to the ICJ. Her role was to detail Israel’s “acts and omissions” to be considered by the court as amounting

to systematic genocide of the Palestinian people under Article II (c) of the UNGC, which involves “deliberately inflicting on the group conditions of life intended to cause its physical destruction in whole or in part.”⁸ Griffith’s condemnation of the obstructions and logistical failures in delivering aid to Gaza summarized “starvation” or “famine” crimes, central to Hassim’s argument.⁹

The South African legal team, in its prosecution of the state of Israel at the ICJ, may set important international legal precedents by including mass starvation as part of its case. Historically, starvation and famine have been “largely excluded from the purview of International Criminal Law” when it comes to criminal prosecutions, with discourses predominantly centering on humanitarian relief efforts rather than political culpability for famine-induced conditions.¹⁰ The legal framing by the South African team marks a significant shift by moving the international conversation beyond overt military violence to include the structural and deliberate use of deprivation as a genocidal method.

Starvation crimes, though generally less visible than overt military violence, here function, the team argues, as a deliberate tool of genocide¹¹ through systematic deprivation over an extended period. Helen Fein has called this genocide by attrition.¹² The mounting evidence of mass starvation in Gaza leaves little room to deny the South African team’s claim that Israel is inflicting conditions of life calculated to destroy the Palestinian people. And in this context, it is imperative to understand that the current humanitarian crisis in Gaza is not a spontaneous outcome or collateral damage of war, but, as I argue here, the result of deliberate starvation crimes, culminating from a decades-long policy of humanitarian carceralism.¹³ This policy is characterized by a regime wherein humanitarianism functions not as a protective force but as a technology of confinement—regulating food, movement, and survival through controlled scarcity, while cloaking violence in the language of legality and care. Recognizing starvation crimes as central to genocide by attrition, this article exposes the complicity of humanitarianism in structural violence and how its manipulation, particularly through “humanitarian gaslighting,” exploits and perpetuates international law’s long-standing failure to adequately prosecute starvation as a deliberate modality of genocide.¹⁴

Since its 2005 withdrawal from Gaza, the Israeli government has reengineered humanitarianism into a biopolitical regime of containment—regulating the flow of aid, movement, and life itself. Drawing on the works of Eyal Weizman and Michel Agier, I contend that humanitarianism operates not merely as a benevolent emergency response but as an instrument of war and, more importantly, as a long-term policy with the potential to facilitate elimination.¹⁵ In a perverse turn, the state of Israel has used those “techniques that Michel Foucault once described as central to the state’s biopolitical sustenance of the life of its population – sanitation, nutrition, healthcare, habitation” to decimate Gaza.¹⁶ Israel’s “humanitarian management” of Gaza, according to Weizman, was characterized by a system of controlled resource inflow and aid distribution. Instead of being a life-sustaining force, this system effectively created a precarious humanitarian situation, forging a “crisis in waiting” by maintaining a “humanitarian minimum” that ensured Palestinians’ basic survival while impeding economic development.¹⁷ Lisa Bhungalia further demonstrates how humanitarian aid has been repurposed as an instrument of control, primarily shaped by Israel’s geopolitical interests and security prerogatives. By embedding counterterrorism law and security frameworks into aid flows, humanitarianism has been

used to regulate, police, and punish a population under siege, blurring the lines between care and control and further enabling systematic deprivation.¹⁸ The mechanisms of this “humanitarian management”¹⁹ and the “securitization of aid” then function as an “occupation strategy,”²⁰ and contribute to what Jeff Halper refers to as a “matrix of control.”²¹ This matrix of control and surveillance of humanitarian aid has deliberately produced a food-insecure space and created an artificially vulnerable population. This weaponization of humanitarianism, I argue, has kept Gaza in a state of managed precarity, allowing food, fuel, and aid to be withheld to inflict maximum deprivation at key moments.

Compounding the infrastructural strategy is what I term humanitarian gaslighting: the Israeli state’s discursive practices of asserting legality, benevolence, and humanitarian coordination while actively perpetrating starvation crimes. Through rhetorical appeals to international law, such as Israeli prime minister Netanyahu’s insistence that the laws of war are followed,²² alongside past and present claims of facilitating aid²³ and humanitarian coordination,²⁴ Israeli officials have obscured the systematic use of starvation in creating impossible conditions of life for all Palestinians in Gaza. This gaslighting deflects responsibility and seeks to undermine efforts to prosecute what amounts to starvation crimes as violations of International Criminal Law. Together, humanitarian management and its rhetorical counterpart transform humanitarianism from a paradigm of relief into a carceral mechanism of domination that sustains conflict, restricts sovereignty, and enables impunity for starvation crimes.

The siege’s constrictions and the prewar humanitarian carceral system may not, in isolation, amount to genocide; nevertheless, their intentional design to foster extreme precarity and manufacture a systematically weakened population has made them essential to the broader logic of mass atrocity in Gaza. In other words, the systemic abuse of humanitarian aid since 2007 and its deliberate design to function as a mechanism of domination and a technology of containment by regulating life sustaining resources, produced an explosive yet less spectacular form of destruction that the bombing of tents, hospitals, schoolyards and soccer fields. The resulting starvation crimes, therefore, are part and parcel to genocide by attrition, a critical understanding that may set important legal precedents by recognizing mass starvation as a prosecutable form of genocide at the ICJ.

The Rafah Offensive: Escalating Famine and International Legal Demands

In February, the Office of the Prime Minister of the State of Israel announced that the final defeat of Hamas required an invasion of Rafah. Prime Minister Benjamin Netanyahu had ordered the Israeli Defense Forces (IDF) to submit a “plan for evacuating the population and destroying the battalions.”²⁵ But where would the 1.4 million civilians, half of whom were children who had sought refuge in Rafah, go? The International Committee of the Red Cross (ICRC) provided the answer: “There is nowhere else for the people to go.”²⁶ Many feared it would get worse with an imminent Israeli ground invasion. Warnings ensued: the United Nations secretary-general alerted that Israeli troops and a bombing campaign would escalate what was already a humanitarian crisis; UNICEF warned that Rafah provided Gaza’s last functioning hospitals and water systems; the Commissioner-General of UNRWA, Philipp Lazzarini, reported the growing panic in the city; an invasion into this crowded civilian refugee area was a “recipe for disaster.”²⁷ The situation escalated, and upon the South African legal team’s urging, the court, while asking Israel to

adhere to its January provisions, announced that “the most recent developments in the Gaza Strip and Rafah in particular ‘would exponentially increase what is already a humanitarian nightmare with untold regional consequences.’”²⁸

The South African legal team continued to inform the court of the increasingly fatal situation: “Palestinians are no longer at ‘immediate risk of the death of starvation.’ At least 15 Palestinian children—including babies—in Gaza had already died of starvation in the past week alone, with the actual numbers believed to be much higher.”²⁹ In response, the ICJ issued a second set of provisional orders on March 28, declaring, “In view of the prolonged and widespread deprivation of food and necessities to which the Palestinians in Gaza have been subjected,” the people of Gaza are “no longer facing only a risk of famine, as noted in the Court’s Order of January 26, but famine is setting in.”³⁰ The court, in its provisional orders, cites a report of the Integrated Food Security Phase Classification (IPC) from March 18, 2024. The IPC’s findings: “Famine is imminent in the northern governorates and projected to occur anytime between mid-March and May 2024.”³¹ The court’s first-time use of the IPC Famine Review Committee’s findings signals the importance of the lack of basic necessities and the (non) provisioning of aid to the genocide as it is unfolding in Gaza and perhaps indicates the court’s openness to consider starvation crimes in this case as a modality of genocide.³² The court ordered *unanimously* that Israel would ensure (in cooperation with the UN) “the unhindered provision at scale by all concerned urgently need basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing . . . to Palestinians throughout Gaza.”³³ The warnings went unheeded. On May 6, 2024, Israel moved tanks into Rafah as ceasefire negotiations had stalled, and Hamas rocket fire had killed four Israeli soldiers. The IDF closed the Rafah border crossing, stopping humanitarian aid as it had done once before, on October 9, 2023. The closings, according to a *New York Times* headline, “prompt alarm over humanitarian aid.”³⁴ The South African lawyers urged again that “the developing circumstances in Rafah” necessitated the ICJ’s further intervention.³⁵ On May 24, 2024, responding to South Africa’s request two weeks earlier, the ICJ issued an order that Israel must immediately halt its military offensive in Rafah. Israel ignored the court’s orders. Instead, one of Israel’s attacks on the city just three days later resulted in the killing of over forty civilians, once again laying bare the harsh reality: There is no real humanitarian space or safe zone in the besieged Palestinian territory.³⁶ Rafah had become the “last frontier” in Israel’s battle against Hamas. International outrage followed. Bombs and burning tents were the more spectacular threat to women and children hovering in make-shift shelters. Still, as we saw, it was universally known that a less visible danger was affecting everyone on the ground—namely, starvation and a looming famine. The ICJ’s and international organizations’ continued urging for aid to enter Gaza made this clear.

The Israeli government has systematically denied accusations of violating International Humanitarian Law, especially in relation to provisioning civilians. The Coordination of Government Activities in the Territories (GOGAT), for instance, countered claims made by the IPC, international agencies, and the ICJ, stating, “We outright reject any allegations according to which Israel is purposefully starving the civilian population in Gaza.” And instead, COGAT notes that “Israel places no limits or restrictions on the type or amount of foods that can enter the Gaza Strip, and we are ready to facilitate such foods as they are coordinated.”³⁷ Earlier, in a press briefing in December 2023, Colonel Elad Goren, head of COGAT, assured that his team met daily with international aid agencies to both

“understand the real situation” in Gaza and “improve the method and technique of entering humanitarian aid into Gaza.”³⁸ Simultaneously, Israel’s foreign minister Eli Cohen highlighted that “Cyprus, Israel, together with other partners in the region, are promoting the initiative for a secure maritime corridor to facilitate the transfer of humanitarian assistance to Gaza in an organized and well inspected manner.”³⁹ But Benjamin Netanyahu revealed the real objective, one that, as we will see, had been long in place, of humanitarian management at a news conference: “The war efforts are supported by the humanitarian effort . . . this is because we follow laws of war because we know that if there would be collapse—diseases, pandemics, and groundwater infections—it will stop the fighting.” He continued, “We allowed four fuel trucks (into Gaza) daily—it’s the *bare minimum*. Now it stands at two. These are dynamic decisions that depend on the humanitarian situation.”⁴⁰

Despite the Israeli government’s assertion of adhering to international law and facilitating aid, the reality on the ground in Gaza paints a starkly different picture, characterized by the massive starvation of Palestinians and conditions that make it “unnecessarily impossible” to live in Gaza, according to the director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Philippe Lazzarini. This dire situation, stemming from the ongoing siege, hurdles from Israeli authorities, political decisions to restrict aid, lack of safety on aid routes, and targeting of local police, casts a critical spotlight on a category of offenses that has long remained on the periphery of international law: starvation crimes.⁴¹ As international legal expert Alex de Waal noted, “for years, starvation has been a stagnant backwater of international criminal law.”⁴² Indeed, while starvation crimes, namely the deliberate causing of starvation or famine, are included in International Criminal Law, they have rarely been deemed important enough to make it into the courtrooms. Even though “it would be difficult to find a case of genocide and mass atrocities in which starvation—systematic denial of access to basic means for sustaining life—did not figure as a major instrument of killing.”⁴³ Indeed, while there has been an attempt to criminalize starvation crimes, “not once have starvation crimes [as such] been prosecuted on an international level.”⁴⁴ It is precisely against this backdrop of historical oversight and the undeniable evidence of widespread deprivation that the South African case at the ICJ, with its focus on Article II (c) of the UN Genocide Convention, marks a significant and potentially groundbreaking effort to bring mass starvation to the forefront of international legal scrutiny.

Famine/Starvation Crimes in International Law

The South African case reopens the question: Why has famine, although starvation has played a significant role in wars, war crimes, crimes against humanity, and genocide, remained largely outside international courts’ prosecutorial scope?⁴⁵ The criminalization of intentional starvation as a war crime and a crime against humanity is a fairly recent addition to the international legal body.⁴⁶ While there was an attempt to expand civilian protection against starvation in international law, especially in the post-World War II period, Western powers, particularly the United States and the United Kingdom, insisted on preserving their ability to use economic warfare and blockades as strategic tools.⁴⁷ The resulting compromise in the Geneva Conventions provided some protections against starvation but still allowed blockades under certain conditions.⁴⁸ The prohibition on starvation was more broadly articulated in 1977, with the Additional Protocols to the Geneva Conventions, coinciding with decolonization and increased representation of

formerly colonized peoples in the meeting rooms of the International.⁴⁹ The Rome Statute of 1998 rearticulated using starvation of civilians as a military strategy to be a war crime in international armed conflicts (Article 8 (2)(b)(xxv)).⁵⁰ And two decades later, in “light of the reemergence of famine and the rise of deliberate use of starvation,” the United Nations Security Council (UNSC) adopted Resolution 2417, arguing for swift referral of cases where conflict threatened famine and food insecurities to the UNSC.⁵¹ In December 2019, the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) unanimously voted to amend the Rome Statute, making it theoretically possible to prosecute starvation as a method of warfare in non-international conflicts.

Two decades ago, Professor of Law David Marcus made a case for famine and starvation crimes as a genocidal act if intentional and systematic. Marcus argues that first-degree (intentional starvation of a group) and second-degree (reckless starvation of a group) fami-nogenic behavior, or induced famine, “can be classified as an *actus reus* of Article II(c) of the UNGC: ‘Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.’”⁵² Though Rafael Lemkin, the very individual who conceptualized genocide, held a clear intent for deliberate starvation to be classified as a genocidal act, its inclusion within the UNGC was merely indirect. Instead of a direct mention, it appears under the broader category of creating “impossible conditions for life.”⁵³ Legal scholars have argued that Article II (c) of the UNGC allows for famine/starvation crimes to be prosecutable. Still, as human rights lawyer Adi Radhakrishnan points out, case law is scarce, with only a few albeit significant rulings: the ICTR Akayesu case was the first to discuss Article II(c) violations. The tribunal decided that Article II(c) was to encompass “*the methods of destruction* by which the perpetrator does not immediately kill the members of the group” but will ultimately result in the group’s destruction.”⁵⁴ In the ICTY indictment of Slobodan Milošević, the prosecutor charged that thousands of Bosnian Muslims and Croats were detained in inhumane conditions aimed at their partial physical destruction.⁵⁵ So, it is possible to prosecute starvation crimes under Article II (c), but proving the specific intent required for genocide in cases of starvation has been challenging.

The general difficulty in prosecuting starvation crimes as war crimes, crimes against humanity, and genocide is linked to “intent.” The complications in prosecuting starvation as a war crime or crime against humanity under the Rome Statute lie in the *mens rea* requirements that mandate proof of the perpetrator’s aim to have “*intentionally* deprived civilians of objects indispensable to the survival; and . . . must have *intended* to starve civilians as a method of warfare.”⁵⁶ UNGC’s *mens rea* requirement necessitates a deliberate intention to destroy a group “as such,” foreclosing any incidental mass deaths. There is a long-standing debate on whether *dolus specialis* (specific intent to destroy a group) should be required or if a lower standard like *dolus eventualis* (accepting the risk of destruction) could suffice.⁵⁷ Legal scholars favoring *dolus specialis* argue it maintains genocide as the “crime of crimes,” with the highest intent threshold. Others advocate broadening the intent standard to include *dolus eventualis* to capture situations where perpetrators accept destruction as a likely consequence of their actions. Wayne Jordash, Catriona Murdoch, and Joe Holmes assert that including the “method of warfare” in the definition of the crime does not add a purposive element but simply requires the perpetrator’s conduct to be linked to hostilities. Here, experts have argued that while intentionality is required

for prosecuting starvation as a war crime, it may be established through either direct or oblique intent.⁵⁸

Scholars contend that oblique intent, where the perpetrator is aware that starvation will virtually certainly result from their actions, even if not their primary goal, should be sufficient to meet the mental element. Radhakrishnan, for instance, notes that “genocide jurisprudence has stated that during an Article II(c) assessment, the conduct in question *need only be objectively capable* of bringing out the destruction of the target group.”⁵⁹ In short, allowance for oblique intent would allow courts to deduce the subjective elements of genocide from objective evidence rather than requiring direct proof of purposeful intent to destroy a group. And *dolus eventualis*, or a knowledge-based approach to prosecuting genocide, would perhaps facilitate the inclusion of more challenging to prove intentional starvation crimes as genocidal. But it remains to be a legal debate and starvation crimes, still, are rarely prosecuted.

Starvation/Famine Crimes and Genocide as Attrition

The debate over genocidal intent and its legal interpretation highlights the complexities in prosecuting genocide cases and, more importantly here, faminogenic genocides and the lack of considering intentional starvation as a tool of genocide. A fundamental challenge in prosecuting starvation crimes committed with genocidal intent arises from the perpetrators’ frequent exploitation of famine’s perception as a natural disaster. This strategy effectively reinforces a historical tendency to frame famine as an unavoidable tragedy, thereby obscuring its true nature as a deliberate policy of destruction.⁶⁰ Or perhaps more often, hunger is dismissed as a byproduct of war or political oppression, with starvation framed as an unfortunate but necessary consequence of military strategy (e.g., siege, blockades) rather than an intentional genocidal act. The protracted and insidious destructive character of starvation and famine crimes, frequently dismissed as mere natural calamities or unintended consequences of war rather than deliberate instruments of elimination, has largely contributed to their invisibility within genocide studies literature. Nevertheless, a significant body of genocide scholarship consistently champions a more expansive definition of genocide, advocating for the explicit and essential inclusion of starvation and famine crimes. Trying to undo the narrow legal definition of the UNGC, drafted as a political compromise in the aftermath of World War II and the Nazi Holocaust in 1948, scholars like Helen Fein, Martin Shaw, Donald Bloxham, Dirk Moses, Sheri Rosenberg, and Everita Silina, for some decades now, have argued to return to Raphael Lemkin’s original understanding of genocide.⁶¹ Lemkin underscored that “genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killing of all members of the nation. It is intended rather to signify a coordinated plan of different actions aimed at destroying essential foundations of the life of national groups, with the aim of annihilating the groups themselves.”⁶² What was at stake for Lemkin was food deprivation as a systematic tool for extermination on a massive scale, which he meticulously documented as “racial discrimination in feeding.”⁶³ The destruction of the essential foundation of life, such as Fein first showed, starvation policies of the Nazis against Jews in the Warsaw Ghetto (1939–43), the Khmer Rouge in Cambodia (1975–79), and those imposed on South Sudan by the Sudanese government (1983–93), may have been less spectacular than the field’s primary focus on intentional mass killings she suggested but were nonetheless deadly mechanisms of these genocides.⁶⁴

The neglect of starvation crimes as modality of genocide in Genocide Studies literature is compounded by a long-standing resistance to classifying postcolonial conflicts as genocidal. For instance, the Nigeria-Biafra War (1967–70) represents a contentious and often overlooked case of “genocide.” While the Nigerian Federal Military Government (FMG) imposed a blockade that caused widespread famine in Biafra—an indiscriminate attack on the entire population that exceeded conventional warfare—some scholars argue it occupies an ambiguous space between standard warfare and genocide. Not only has the “intent” to destroy the Biafran people been widely debated, but the case also uniquely challenged the dominance of the Holocaust as the definitive model for genocide, as it did not align with its paradigm of total extermination driven by racial ideology.⁶⁵ For instance, political scientist and genocide scholar Robert Melson, who acknowledged that Biafrans had “starved to death as a result of the deliberate Nigerian policy of blockade and disruption of agricultural life, insisted that the state’s actions could not be called genocidal because its policies ‘did not include extermination of the Ibos [*sic*].’ . . . Igbos were not being killed for ideological reasons and purely for their identity but because they were a party to a secessionist civil war.”⁶⁶ Acknowledging the famine, Melson did not classify it as genocidal, as he viewed civil wars, postcolonial conflicts, and famines as falling outside the scope of genocide. Another case in point is Alex de Waal and Rachel Ibreck’s study of the role of the engineered famine in the Ethiopian conflict in the 1980s. Tibebe Bekele, Ethiopia’s acting foreign minister at the time, had openly admitted that food was “a major element in our strategy against secessionists.”⁶⁷ Still, the authors alert, this genocidal famine has remained in the public’s memory as simply a humanitarian crisis. More generally, starvation and famine crimes continue to stand outside the scope of genocide studies and have been studied in “separate silos,”⁶⁸ due to a tension between legal and socio-historical perspectives, which constitute two distinct fields despite calls for integration.⁶⁹

The past two decades have seen a growing scholarly focus on colonial and settler colonial genocide and the starvation crimes associated with them, as attritional forms of violence and the gradual destruction of indigenous groups are clearly defining features.⁷⁰ Here, intentional starvation policies and mass atrocities converge most obviously. There are numerous examples illustrating famines and mass deaths as the result of a complex interplay of colonial policies, racial ideologies, and economic factors.⁷¹ Imperial famines of the eighteenth and nineteenth centuries in Ireland, Madras, Bengal, and China, which became the “land of famine,” are exemplary.⁷² Moreover, there have been “few unambiguous cases” that link intentional starvation to genocide in colonial settings.⁷³ Conley and de Waal cite the 1904 German mass killings of the Herero and Nama in present-day Namibia as a “paradigmatic case of colonial genocide by starvation.” Here, the German colonial officers drove the Herero toward the edges of the Kalahari Desert, cutting off their water and food supplies.⁷⁴

Settler colonialism is a particularly deadly variant and has been studied “as a dynamic process” that can erupt into “genocidal moment[s],” wherein food deprivation plays an important if not a central role.⁷⁵ For instance, the 1867 Algerian famine was primarily the result of French settler colonial policies weakening the Indigenous subsistence economy and social safety nets, rendering the population vulnerable to starvation.⁷⁶ The eradication of Indigenous populations in North America and Australia is a powerful example of “genocide famines” driven by settler colonialism. The deliberate withholding of resources and the implementation of starvation policies were integral to systems of slave labor and

internment. Similarly, the confiscation of land and forced deportations systematically induced starvation and famine.⁷⁷ However, as de Waal notes, and this is important to keep in mind when thinking of Israeli humanitarian and food policies in Gaza, the pervasive and enduring nature of oppressive deprivation policies complicates the classification of these events as famines.⁷⁸

The twenty-first century has marked an “alarming reversal” of the trend that had “nearly eliminated famine.”⁷⁹ Vicious “new atrocity famines” in Yemen, Somalia, South Sudan, Syria, among other places, posed a new challenge to the international community.⁸⁰ There is not enough room in this paper to expand on the “return of famine,” but we can say that new atrocity famines had less to do with natural disasters or economic shocks than earlier ones. Instead, the common factors of these twenty-first-century famines were their political nature and occurrence in the context of “virulent and intractable conflicts,” resulting in extreme humanitarian emergencies. These wartime mass starvations were the outcome of siege, the destruction of livelihood and the ability of food production, *and* the blockade of aid and direct attacks on aid delivery. What is new in this century is that wartime famines entered the Middle East, with Yemen and Syria making it onto the IPC and the UN’s radar for severe food insecurity. Another new aspect is the growing legitimacy of what de Waal calls counter-humanitarianism, “an array of political and ideological practices that deny the value system of humanitarianism *as such*.”⁸¹ Gaza joins the ranks of these new atrocity famines at unprecedented speed and severity, as political, man-made, and entangled in counter-humanitarianism.⁸²

The unprecedented speed and severity of Gaza’s food crisis escalating into famine has been consistently noted by aid workers and international agencies since early 2024.⁸³ The IPC report published on March 18, 2024, categorized the entire population of Gaza as food insecure from IPC levels 3 (Crisis) and 4 (Emergency) to level 5 (Catastrophe/Famine).⁸⁴ This marked the highest proportion of people facing acute food insecurity recorded by the organization for any region or country. From February 15 to March 15, 677,000 individuals were classified at stage 5, and projections indicate that from March 16 to July 15, around 1,107,000 people, roughly half of Gaza’s population, were to be at the Catastrophe/Famine level. In comparison, when famine was declared in Somalia in 2011, approximately 490,000 individuals were categorized at stage 5, while in South Sudan, during its famine declaration, around 80,000 were classified as facing famine.

The alarming severity of mass starvation in Gaza is deeply rooted in a complex interplay of colonial-settler policies, a specific regime of humanitarian carceralism, and a history of counter-humanitarian ideologies shaped by the geopolitics of the global war on terror.⁸⁵ This critical connection must be made visible in the legal space. While UN officials have detailed significant impediments to aid access since October 2023, including damaged infrastructure, security checkpoints, attacks on aid convoys, and restrictions on essential items as well as the discrediting of UNRWA, these obstacles are not isolated events. Instead, they must be understood within the extended history of occupation, specifically the two decades of the siege on Gaza, and more acutely, Israel’s policies of humanitarian management implemented since 2005—a fact that was not lost to the South African legal team.

The legal case addressing the crisis, indeed, is framed within the longer history of settler colonialism. Underscoring this, South Africa’s ambassador to the Netherlands, Vusi Madonsela, positioned the claim of genocide in Gaza within the historical context of

the systematic and forceful dispossession, displacement, and fragmentation of the Palestinian people, along with the denial of their right to self-determination due to Israel's colonization since 1948.⁸⁶ Madonsela further reiterated that the events unfolding in Gaza “inevitably form part of a continuum of illegal acts perpetrated against the Palestinian people since 1948.” He emphatically stated that Israel's genocidal actions and omissions represent an escalation of “Israel's twenty-five-year apartheid, fifty-six-year occupation, and sixteen-year siege imposed on the Gaza Strip.”⁸⁷ Of course, for anyone who has studied the history of the conflict, the profound precarity of civilian existence in Gaza at the current moment does not come as a surprise.⁸⁸

De Waal describes starvation deaths in the context of colonial-settler projects as *epi-sodic*, making it challenging to view them as “atrocious man-made famines.”⁸⁹ In the case of Gaza, Israel's humanitarian policies left its population on the verge of starvation, as malnutrition was a growing problem, in essence setting up the possibility of a massive famine atrocity in what we saw to be a contracted period. The historian Uğur Ümit Üngör recently noted that the Gaza genocide represents “the slow, creeping process of settler colonial policies, always against Palestinians and always an expansion of Israeli state power, territory, and economic exploitation.”⁹⁰ While Zionist settler colonialism and the dispossession of Palestinians have long fueled historical scholarship of the conflict, discussions of Palestine in the field of genocide studies have been marginal. Previous attempts at introducing Palestine as a case study have often stalled due to the highly contentious political stakes. This has prompted the editors of the *Journal of Genocide Research* to question whether some scholars' insistence on framing the events in Gaza as a legitimate retaliatory war, rather than a genocide, reflects a broader reluctance to engage with the issue. Is this reluctance the result of a flawed understanding of genocide that focuses solely on intent rather than the consequences of force? Or does it point to a deeper bias or blind spot within the field regarding the Israeli-Palestinian conflict?⁹¹ It is no news that the “application of the genocide prism to Palestine” is not only rare but also has evoked knee-jerk reactions in opposition to any accusation of Israel as the perpetrator. Indeed, when Martin Shaw raised the question in an exchange with Omar Bartov in 2010, the latter responded that “the argument of Israeli genocide of the Palestinians is clearly meant to delegitimize the state and to say that it was born in the blood of innocents and should therefore also go down in blood.”⁹² Bartov has changed his mind in the aftermath of October 2023 and has been among a group of outspoken scholars who have criticized the recent genocidal policies of the state of Israel.⁹³

In short, scholarship on genocide by attrition has long argued that genocide does not always take the form of mass killing but can unfold gradually through policies that dismantle the essential conditions of life. Starvation, often central to these slow genocidal processes, has remained largely invisible within genocide studies due to the persistent reluctance to recognize famine as a deliberate political weapon. Instead, famine is commonly framed as a natural disaster, an unfortunate consequence of conflict, or a governance failure. This erasure has serious consequences: it enables the manipulation of the humanitarian frameworks by perpetrating states, allowing them to obscure intent, deflect accountability, and legitimize systems of deprivation. When a state controls the ebb and flow of humanitarian aid, as Israel has in Gaza, humanitarianism ceases to function as a purely life-saving intervention and instead becomes a technology of control, regulating access to food, medicine, and water, and managing survival at the edge of catastrophe.

Aid, in this context, provides a façade of compliance with international norms while concealing the underlying logics of destruction, paradoxically allowing humanitarianism to “pave the road” for genocide, by rendering mass suffering both administratively organized and politically deniable.

Genocide by Attrition Through Humanitarian Management and the Securitization of Aid

On October 9, 2023, Israeli Defense Minister Yoav Gallant infamously ordered a comprehensive siege, blocking the entry of electricity, food, and fuel into the Gaza Strip. This and subsequent strains on aid resulted in a request for an arrest warrant by the chief prosecutor of the International Criminal Court (ICC) for both Gallant and Netanyahu as “allegedly responsible for the war crime of starvation as a method of warfare.”⁹⁴ What is important here is that starvation could be mobilized as a method of warfare, and Gallant could *command and execute this total siege* overnight, because Israel had already constructed a comprehensive matrix of control over Gaza, regulating nearly every aspect of life for decades. Indeed, Israel’s policies of humanitarian management had produced a humanitarian crisis (or a starvation crime) in waiting. The elaborate system of permits, checkpoints, and border restrictions was intended to prevent a humanitarian crisis in the territory while hindering any significant economic development. It was a tightening of the grip on what scholars had referred to as an open-air prison that dates back at the very least to the late 1990s.⁹⁵ Maintaining a vague “humanitarian minimum,” an artificially devised threshold had rendered Gaza’s population dependent and food insecure before October 2023. The occupation regime had created not only a humanitarian crisis in waiting but slowly inflicted conditions that, upon disruption—may they be the closing of the border or the quite literal turning off the faucet—immediately would become unlivable; it was attrition in practice. As such, the longer history of intentional deprivation needs to be taken into consideration in relating starvation crimes to considerations of genocide and the possibilities of persecution based on Article 2(c), as suggested by the South African case at the ICJ.

A Brief History of Siege: The Foundation for Starvation Crimes

The scholarship on Israel’s occupation of Palestine, the surrounding geopolitics, and its settler colonial character is well-established and the human costs well-documented; the focus here is the “politics of provisioning” and, more precisely, the humanitarian management in the context of the siege on Gaza since the early 2000s.⁹⁶ The election of Ariel Sharon as the prime minister of Israel in 2001 marked a turning point in Israeli-Palestinian relations, effectively ending the Oslo-era model of negotiated peace. Sharon, openly hostile to the Palestinian Authority (PA), “was determined not to make any peace agreements with the Palestinians.”⁹⁷ Instead, in 2004, amid increasing violence between the IDF and Palestinian factions in the territory, he sought unilateral disengagement from Gaza, which, although not uncontroversial, was backed by a majority of the Israeli Knesset. Between August 16 and 30, 2005, Sharon executed a highly contentious plan to evacuate Jewish settlers from twenty-one settlements in the Gaza Strip and four settlements in the northern West Bank. The approximately eight thousand Jewish settlers “had controlled 40 percent of the arable land, 25 percent of the territory, and most of the water in Gaza.”⁹⁸ So it comes as no surprise that settlers protested the decision and,

before finally adhering to the orders of the IDF, “demolished or rendered unusable their residences and the agricultural greenhouses.”⁹⁹ Sharon framed this withdrawal as a step toward achieving peace through a two-state solution. However, in the subsequent year, an additional twelve thousand Israelis moved into the West Bank, further complicating the prospects for an independent Palestinian state. Dov Weissglas, the senior advisor of Sharon, revealed the motivations: “The significance of the disengagement plan is the freezing of the peace process, and when you freeze that process, you prevent the establishment of a Palestinian state, and you prevent a discussion on the refugees, the borders, and Jerusalem.”¹⁰⁰ Sharon’s government withdrew its troops from inside Gaza to its perimeter in September 2005. While supported by a significant portion of the Israeli public, the move faced substantial opposition within the Likud party.¹⁰¹ The removal of settlers from the territory did not mean a cessation of violence; instead, what followed were months of intensifying conflict between the IDF and Palestinian factions, Hamas most prominently.¹⁰² For Hamas, which had been gaining political power in Gaza, as it presented to many Palestinians an energetic force of resistance against continuous Israeli attacks and a viable alternative to an internally divided PA, the withdrawal was a boon. Hamas claimed it as a “victory for the resistance.”¹⁰³ Hamas eventually established itself as the sole authority in Gaza through electoral wins, first in municipal elections in 2005 and parliamentary elections in 2006.¹⁰⁴ Israel’s response was to designate Gaza as enemy territory. Hamas, after all, had played a significant role in the militant opposition to the state of Israel since 1987 (including orchestrating suicide bombing campaigns) and had been proclaimed a terrorist group by the United States and Europe.¹⁰⁵ Since then, Israel has been able to justify any political, military, and economic action against Gaza as part of the fight against terrorism.

Almost immediately after the withdrawal, Israel closed the Erez Industrial Park in Northern Gaza for security reasons; thousands of Palestinians lost their jobs. In addition, in an arbitrary move, Israel “reduced the Oslo-assigned Palestinian fishing zone from twenty to nine nautical miles (and eventually to two nautical miles).”¹⁰⁶ Following the election of Hamas, Western powers demanded that, in turn, for cooperation and economic aid, the organization would have to pledge nonviolence, the recognition of Israel, and “respect for agreements already made.”¹⁰⁷ The request was ignored amid the ongoing conflict, the failure to establish a unity government in Gaza, and the Israeli invasion of Lebanon. The IDF had tightened the screws on the borders as part of its Operation Summer Rain, and by August of 2006, 79 percent of residents were assessed as living in poverty, urban areas had electricity for six to eight hours, and those who had access to running water could count on it for some two to three hours a day. The European and American boycott of Hamas, Israel cutting tax money flowing to the PA, effectively bankrupting it, and the increasing isolation of Gaza from the West Bank meant that Hamas was unable to pay the salaries of its employees. This, together with the border closure, making working in Israel impossible, “aggravated the crisis to an unprecedented degree” already in 2006.¹⁰⁸ But worse was to come. Indeed, economic deprivation would be normalized moving forward, as “Israel, America, and the West ended all outside aid, imposed a crippling economic embargo and sanctions” to isolate Hamas.¹⁰⁹ Discussing the 2006 closure of the north-eastern Karni crossing, which Israeli officials justified as a security measure, Weissglas articulated the future policy, “The idea is to put the Palestinians on a diet, but not to make them die of hunger”¹¹⁰—namely, to impose a humanitarian

minimum. By November 2007, Israel had cut food supplies to Gaza in half, and by January 2008, it had imposed a total blockade on fuel that was used for transportation and cooking.¹¹¹

“No prosperity, no development, no humanitarian crisis.”¹¹²

Repeated military attacks on the territory, most notably the Israeli ground invasions in 2008–09, 2012, and 2014, followed the withdrawal of the IDF from the Strip.¹¹³ The repeated conflict no doubt further escalated the food crisis. For instance, the Goldstone Report, an investigation of the 2008 invasion, found “the destruction by the Israeli armed forces of private residential houses, water wells, water tanks, agricultural land, and greenhouses there was a specific purpose of denying sustenance to the population of the Gaza Strip. . . . The conditions of life in Gaza, resulting from deliberate actions of the Israeli armed forces and the declared policies of the Government of Israel.”¹¹⁴ One way of escalating food insecurities, no doubt, was the deliberate destruction; the other was the strict control of humanitarian aid. Eyal Weizman has forcefully argued that humanitarianism, human rights, and International Humanitarian Law when exploited by states, supra-state, and military actions, have become crucial to calculating and managing economies of violence. Focusing on Gaza, Weizman exposed that in the last two decades in particular, Israel’s humanitarian management has been based on “standards of ‘humanitarian minimum,’” meaning the “calibration of life-sustaining flows of resources through the physical enclosure,” allowing for survival but little more.¹¹⁵ Already in 2009, Ilana Feldman pointed out the complexity of humanitarianism in the context of Israel’s attack on Gaza that year and the war’s “undeclared aim” to make sure that “Palestinians in Gaza are seen by the world simply as a humanitarian problem and thus to derail their struggle for independence and statehood.”¹¹⁶ Feldman writes about humanitarianism as an “occupation strategy.”¹¹⁷

Humanitarianism, it is well known, is far from uniformly benevolent, from its entanglement in colonialism and its legacy of paternalism to a whole host of violent practices that have been legitimized in its name. Indeed, some have argued that posing as humanitarians is a favorite pastime of those who extract and oppress.¹¹⁸ As Feldman warned and Weizman confirmed, humanitarianism, however well-intentioned elsewhere, has been “deployed as a strategy for frustrating Palestinian aspirations” and has been subject to political manipulation.¹¹⁹ The manipulation of humanitarianism after 2005 was made possible through what Jean-Pierre Filiu has called “an innovative version of remote-control occupation” that saved costs otherwise incurred by direct control.¹²⁰ Over time, this remote-control occupation cut Gaza’s inhabitants off from the rest of the world and created a situation that Harvard political economist Sara Roy has termed “dependency and de-development.”¹²¹ More concretely, with a generalized travel ban in place by 2007 and border crossings under strict control, Israel’s humanitarian management has maintained two million people enclosed on a territory of 141 square miles in a vulnerable state. Israel would maintain control of all access by air and sea and border crossings to Israel. Additionally, 29 percent of Gaza, along the eastern and northern borders, was closed to Palestinian farmers and herders. The “‘no-go’ buffer zone” enclosed nearly a third of Gaza’s arable land.¹²² The economic consequences have been devastating, as economic suppression and a systematic restraint on agricultural and other development would mark the following decade, amounting to an economic blockade.¹²³ The siege rendered a vast

number of Palestinians in Gaza dependent on aid that was not only diligently monitored by the Israeli state but also subject to an increasing counter-humanitarian ideology.

Weissglas's articulation of Israel's policy unequivocally described the mechanism of humanitarian management as a means of conquest and a tool for achieving what Dirk Moses terms "permanent security." Moses defines the desire for "permanent security" as the pursuit by states and armed groups to establish conditions that make them completely impervious to perceived threats. This unattainable quest for absolute safety, driven by a paranoid mindset, often results in indiscriminate violence and, consequently, civilian casualties.¹²⁴ The strategy in the case of Gaza, among other things, was to use economic pressures and, indeed, hunger to undermine Hamas's legitimacy and use politics of provisioning "to encourage the Palestinians to force Hamas to change its attitude towards Israel or force Hamas out of government," namely, eliminate the threat.¹²⁵ Imposing a "humanitarian minimum" was central to this policy.

International organizations, such as the IPC, have established standardized, scientifically grounded starvation thresholds, though they may not be without limitations. However, the concept of a humanitarian minimum is not explicitly defined in International Humanitarian Law.¹²⁶ Rather, it is a construct developed over time by the Israeli government and military officials in response to Hamas's electoral win. On September 19, 2007, Israel's Ministerial Committee on National Security Affairs, led by Ariel Sharon, delineated its policy toward Gaza. Beside continuing military and intelligence warfare, the National Security Committee declared: "Restrictions will also be placed upon the Hamas regime so that the passage of goods to the Gaza Strip will be limited, the supply of fuel and electricity will be reduced, and restrictions will be imposed upon the movement of persons to and from the Strip. The restrictions will be implemented after considering the legal ramifications of the humanitarian situation in the Gaza Strip, in order to prevent a humanitarian crisis."¹²⁷ To prevent a humanitarian crisis, the bar for the minimum was set in September 2007. The reports of Karen Abu Zayd, the commissioner-general of UNRWA in 2008, sound eerily like the words of Phillip Lazzarini in 2024. Commenting on border closures, Abu Zayd warned that "we have nothing in our warehouses . . . It will be a catastrophe if this persists, a disaster."¹²⁸ Her words indicate the precarity of the minimum.

Israel's high courts and military officials further defined what constituted a humanitarian minimum in response to a petition filed by several human rights and humanitarian organizations a month later. The petition protested what the organizations saw as a siege on Gaza, as the supplies reaching the territory were well below what the United Nations had determined to be necessary.¹²⁹ And in the course of the proceedings, "state attorneys Dana Briskman and Gilad Sherman (deceased), backed by the affidavit of Col. Shlomi Mukhtar declared that the State of Israel was employing a policy of 'economic warfare'¹³⁰ designed to shut down Gaza's economy with the objective of weakening the Hamas regime."¹³¹ The Israeli military "insisted that the threshold below which 'the residents of the Gaza Strip would be harmed beyond what was necessary' had not yet been breached."¹³² Israel eventually put the biopolitics of occupation on full display when "military representatives promised that the task of reducing provisions will 'be discharged with the utmost 'responsibility and seriousness.'"¹³³ Experts were employed.

Conducting weekly assessments and maintaining constant contact with UN agencies, international NGOs, and Palestinian health officials, as well as experts in security, international law, humanitarianism, and electrical engineering, Israeli state officials closely

monitored any signs of a humanitarian crisis. If the situation approached a critical point, the flow of energy and provisions was increased. A couple of years later, investigative reporters of the Israeli daily *Haaretz* uncovered a document titled “Red Lines,” drafted by COGAT. It took a year of persistent petitioning for the state to release it.¹³⁴ The documents meticulously detailed the management of the humanitarian minimum, as defined by another set of experts, including physicians and humanitarian nutrition specialists. The prescribed caloric intake was 2,100 calories for men and 1,700 for women, significantly below US National Institutes of Health recommendations but apparently in line with the standards of the World Health Organization.¹³⁵ These caloric needs were broken down by food group and translated into the tonnage of food and the number of trucks required to supply the people in Gaza.¹³⁶ According to the Israeli nonprofit organization Gisha (Legal Center for Freedom of Movement), Israel had not considered the devastation of agriculture and overestimated food production in the territory.¹³⁷ Unequal distribution and long waiting times at the border crossing were also not taken into account. A warning was printed in large letters at the end of the Red Line document: “The stability of the humanitarian effort is critical for the prevention of the development of malnutrition.”¹³⁸ Research has shown, however, that malnutrition was a significant problem in Gaza before the war.¹³⁹ The Red Line document established a “Breathing Space” using a basic formula: the amount of food in Gaza divided by daily consumption needs, determining the number of days before food runs out. Repeatedly, it was evident that the goal was mere survival, not living. Ultimately, the minimum provision became the “maximum cap on provisions.”¹⁴⁰

One can say a lot about the precarious economic situation in Gaza since 2005 (and before), but a few examples will have to suffice. Israel has hindered significant advancements in Gaza’s electric grid and water system. Gaza’s sole power plant has faced repeated damage over the past two decades, most severely during an airstrike in June 2006, and has frequently shut down due to fuel shortages.¹⁴¹ A 2010 UN report highlights that the plant operated well below its capacity, attributing this to the European Commission’s cessation of fuel subsidies, the high cost of fuel from Israel, Hamas’s revenue collection issues, strained relations with the Palestinian Authority, and restrictions on importing materials classified by Israel as dual-purpose, which could be used for infrastructure repairs or weapon production.¹⁴² The inconsistent electricity supply disrupted water-sewage treatment, often releasing untreated sewage into the environment. Electricity, crucial for pumping water to households, was available for just half a day. Agricultural activities dependent on water, fuel, and electricity have suffered significantly.¹⁴³

The water supply to Gaza has long been precarious.¹⁴⁴ Gaza has relied on its coastal aquifer as the only freshwater resource. Not only has the aquifer been insufficient to meet the population’s needs, as it has consistently been depleted by over-extraction, but it also has been contaminated by sewage and seawater infiltration. Operation Cast Lead (2008–09) caused major damages to “water and sanitation infrastructure” totaling six million US dollars. “Over 30 kilometers of water networks . . . , 6,000 roof tanks and 840 household connections were damaged . . . The Gaza City Waste Water Treatment Plant in Sheikh Ijleen suffered a direct hit and wastewater flooded up to a kilometre from the plant.”¹⁴⁵ By 2009, approximately only 20 percent of water was safe to drink due to the damage caused by the military campaign and “Israeli restriction on fuel and chlorine necessary for water treatment plants.”¹⁴⁶ Israel acknowledged the problem in 2015 and said it would double its water supply to Gaza, creating further dependence.¹⁴⁷ Still by 2017, the

UN and Amnesty International reported that 90–95 percent of Gaza’s water supply from the aquifer was contaminated and “unfit for human consumption.”¹⁴⁸ Perhaps locally mismanaged, Israel’s blockade of Gaza—which barred the entry of cement for repairs of sewage plants and water pipes deemed potential bomb-building materials—had escalated the deterioration of water and sanitation infrastructure. As a result, families have purchased their drinking water from three recently built, privately owned desalination plants, which rely on fuel to function.¹⁴⁹ What is essential here, for one, is that Israeli authorities carefully calibrated the shipping of food supplies and other necessities into Gaza, with the result of attritional malnutrition easily turned into what would amount to intentional starvation crimes. By July 2024, a group of experts declared “that Israel’s intentional and targeted starvation campaign against the Palestinian people is a form of genocidal violence and has resulted in famine across all of Gaza.”¹⁵⁰ The geopolitics of the global war on terror was another part of the attritional armament, allowing for Israel to tighten its grip on aid.

Dependency and the Securitization of Aid

The gradual strangulation of Gaza’s economic life meant that a growing number of Palestinians became dependent on foreign aid.¹⁵¹ Over time, support from the United States, European Union, United Nations, and several wealthy Arab nations has financed limited economic and infrastructure development as well as provided resources for public services and emergency relief during repeated Israeli military campaigns. For example, UNRWA has served 5.7 million refugees and has been working, until recently, with an annual budget of \$1.4 billion.¹⁵² It is important to note here that, of course, aid has had positive effects. Humanitarian work by local NGOs and international organizations has made significant contributions to running schools, establishing medical care facilities, and providing food aid. The critique here is not to diminish these works, but rather to highlight the surveilling and controlling potential. Scholars have long debated what has been coined the humanitarian dilemma, underscoring the complexity of providing aid as it is intertwined with politics and, in this case, a settler colonial agenda.¹⁵³ Gaza is emblematic of this dilemma as it is deeply entangled in geopolitics, the global war on terror, and, as we saw, dependent on the cooperation of its colonizing power. Indeed, the allocation and distribution of foreign aid are intricately linked to donor states’ relations with Israel and have increasingly been subject to surveillance. Lisa Bhungalia has termed this dynamic “security logic” or the securitization of aid, highlighting not just control but also sites of negotiation, resistance, and political struggle within the aid system.¹⁵⁴

Bhungalia’s research, on which I rely here, exposes the intricate relationship of US aid to Palestine and its administration to the broader US global war on terror. Bhungalia shows how humanitarian assistance is tied to counterterrorism legislation, resulting in strict regulations on aid directed toward civilian areas classified as “terrorist-controlled territories.” Since the 1990s, multiple Palestinian groups—including Hamas as well as other factions—have been designated terrorist organizations by the American Office of Foreign Assets Control (OFAC) and other international actors and placed onto sanction lists, affecting a broad range of aid efforts.¹⁵⁵ For instance, the Bush administration issued Mission Order 21 in 2007, which guaranteed that any person or organization receiving aid from the United States was without personal or professional ties to parties, organizations, or individuals designated a terrorist organization by the United States.¹⁵⁶ This gave rise to an “infrastructure of surveillance”—namely, a complex security screening or vetting

system of local partner organizations and individuals. These “practices of aid governance,” Bhungalia argues, “are themselves part and parcel of an ever-more sophisticated regime of colonial management.”¹⁵⁷ Aid recipients gather data, which is then forwarded to the US State Department for screening against intelligence databases for “derogatory information.”¹⁵⁸ The system implicates aid into warfare and profoundly affects the everyday lives of Palestinian humanitarians, not only defining them as suspects—until the system clears them—but also rendering their daily encounters as suspicious based on the taxonomy of a foreign power. At the same time, this was not left uncontested, as Palestinians compromised with and resisted the complex system of security screening, which was neither uniformly accepted nor implemented.

The securitization of aid creates, Bhungalia insists, a fraught terrain for Palestinian humanitarians—such as NGO workers and administrators—who, in some cases, must navigate donor-imposed vetting processes that require screening of local workers and suppliers. Workers must provide personal information and sign anti-terrorism pledges, a process that has been contested and also sparked significant political conflict. For example, the local agency, to maintain funding status from the US Agency for International Development (USAID), sends the information to the USAID Program Support Unit. It is transferred to the USAID Office of Security in Washington, DC, where it is screened. What does this mean on the ground? Bhungalia gives the example of an international NGO that received a multi-million-dollar grant to rehabilitate water and sanitation infrastructure in Gaza. The project was eventually abandoned based on Mission Order 21, which prohibits collaboration with governmental entities in Gaza, including municipalities, village councils, and ministries. For the project to succeed, all such institutions would have had to be contacted and collaborated with, and so it became impossible to carry out the project.¹⁵⁹ Many Palestinian NGOs have refused to participate in these vetting systems, viewing them as violations of their political independence and humanitarian neutrality. Bhungalia details cases where NGOs have boycotted anti-terrorism certification requirements, even at the cost of losing funding, demonstrating that participation in these security frameworks is neither uniform nor universally accepted but remains a site of negotiation, resistance, and, at times, reluctant compliance. Still, it is the existence of the system itself that would have deadly consequences after October 2023.

The relationship between the United States and UNRWA, which operates across Palestinian refugee populations, while separate from the Israeli military’s humanitarian coordination via COGAT in Gaza, has been significantly influenced by the securitization of aid. In 2021, the US Department of State and UNRWA signed a new framework agreement to restore US funding, which had been cut by the Trump administration in 2018. This agreement promised \$135.8 million for 2021–22, a decrease from previous funding, and required UNRWA to comply with US counterterrorism laws. This compliance involves adhering to the subjective determinations of a foreign state regarding who is considered a terrorist rather than relying solely on the UN’s own sanctions list or UNRWA’s original mandate, namely aiding “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 War.”¹⁶⁰ This change ultimately means that the same vetting rigor that applied to recipients of USAID funds applied to UNRWA, and that any suspicion or allegation of failure to adhere to the rules could lead to the pause or permanent withdrawal of funding. The cut in funding to the UNRWA by multiple countries based

on Israel's allegations that twelve of its thirteen thousand staff in Gaza took part in Hamas's October 7 attack on Israel is exemplary.¹⁶¹ The Israeli government used these accusations to pass two laws in October 2024 that were to curtail UNRWA's operations in East Jerusalem, the West Bank, and Gaza. The first law prohibits UNRWA from operating in "sovereign Israel" and the second law "cuts ties between Israel and UNRWA, barring the contact between the agency and Israeli officials that enable it to function in the West Bank and Gaza."¹⁶² UNRWA was forced to stop delivering aid in March 2025.

In short, long before October 7, an intricate system of aid management and securitization profoundly shaped the existence of Palestinians in Gaza. Bhungalia's work highlights this system's dual nature: while it provided essential material provisions such as water purification, milk, and biscuits for preschool children, it simultaneously embedded systems of surveillance and compliance, effectively conscripting Palestinians into its mechanisms through strict security measures and counterterrorism regulations. This established a complex humanitarian carceral system—comprising procedures, organizations, and tools for monitoring supplies, movement, and development—that served as a site of both sustenance and gradual subjugation.¹⁶³ It has to be noted that it is vital, and central to Bhungalia's work, to acknowledge that Palestinians retained agency and should not be reduced to objects of relief.

Conclusion: Pulling out the Rug from Under

"Several times over the last nineteen months, Israel has turned the aid tap on, blunting the rise in levels of distress."¹⁶⁴ The latest closure on March 2, 2025, had devastating consequences, as Israel imposed a "total blockade."¹⁶⁵ Following the closure crippling international aid, a new entity emerged on the scene, the "Gaza Humanitarian Organization (GHF)," a private organization registered in the United States in early 2025, with its headquarters in Delaware.¹⁶⁶ The GHF was headed by American businessman Jake Wood, who has since resigned, citing the organization's lack of autonomy, particularly after investigative news reporting exposed the program as a joint Israeli-American venture. According to news reports, the initial idea of privatizing aid, formulated by a group of Israeli military officials and businessmen, dates to 2023. The goal was to pull "the rug out from under the Hamas movement," wherein the privatization of aid was central. For instance, the report cites Yotam HaCohen, a strategic consultant working with GOCAT, as saying: "Pulling the rug out will come once Israel begins to work directly with the civilian population, manages the distribution of aid itself, and begins to take the responsibility for building the 'day-after.'"¹⁶⁷ The GHF, widely criticized for lacking experience in delivering aid, initiated the "Humanitarian Aid Distribution Program in the Gaza Strip." The program began operating four distribution centers on May 26, three of which are located in southern Gaza and one in the central region of the territory. Having recently received thirty million dollars in funding from the US State Department, the GHF has contracted the American private security firm Safe Reach Solutions (SRS), headed by former senior CIA officer Philip F. Reilly, whose team, it seems, has been involved in setting up the GHF and early discussion to privatized aid.¹⁶⁸

While the GHF posits itself as an "independent, rigorously audited model that gets assistance directly—and only—to those in need to prevent alleged Hamas diversion of supplies,"¹⁶⁹ international humanitarian and human rights organizations,¹⁷⁰ news outlets, and experts have questioned its independence and neutrality and exposed it as another

form of subjugation of the Palestinian people. Most importantly, Alex de Waal has criticized the GHF project as a form of *surveillance humanitarianism* “or the food-targeting counterpart to the IDF’s algorithms that select who to bomb. Israel will provide the bare minimum to sustain life to those who show, to its satisfaction, that they’re compliant.”¹⁷¹

We will have to follow the developments closely. But what can be said is that the operational details of the GHF are the culmination of both the securitization of aid and humanitarian management, couched in the language of neutrality and independence, which, as I have argued, have defined Israel’s humanitarian carceral policies at least since the siege of 2005. The GHF’s plan scales distribution sites, previously around four hundred, down to single digits, wherein private security firms, the SDS and others, are to control distribution, and the perimeter of which is “secured” by the IDF. The plan, according to the UN’s Office for Coordination of Humanitarian Affairs (OCHA), entails “the UN and other partners accepting further Israeli control over aid delivery,” curbing its ability to distribute aid in an “impartial manner.”¹⁷² The UN eventually rejected any collaboration, as the plan would result in the “UN implementing a policy of counting calories to ensure bare minimum survival” for the people in Gaza. This is, of course, a familiar strategy of humanitarian management by now. Moreover, the plan, as discussed by UN officials, would mean security screening measures. For instance, periodic text messages would instruct a family member to collect rations at one of the distribution points once or twice a month, where “they would undergo security screening” that would include “facial recognition and identity card screening, potential detention.”¹⁷³ Long distances to the centers and overcrowding, as we have seen by now, mean that the most vulnerable are unable to obtain aid. But that’s not the worst. The UN Human Rights Office has reported that at least four hundred Palestinians have been killed “by the Israeli military” while trying to access humanitarian relief.¹⁷⁴ At the time of writing, securing aid for Palestinians has become a deadly trap. UN Secretary-General António Guterres criticized the newly launched “US-backed aid operation in Gaza [as] “inherently unsafe,” giving a blunt assessment: “It is killing people.”¹⁷⁵ The “unprecedented humanitarian crisis” or “starvation crimes” in Gaza, precipitated by a comprehensive siege imposed by Israeli authorities, the culmination of decades of Israel’s deliberate policies of “humanitarian management” and “de-development” and a process of “securitization of aid” has now come to its most violent and institutionalized form: a joint US-Israeli experiment in humanitarianism, where aid is no longer a lifeline but a weapon—conditioned on surveillance, compliance, and the systematic exclusion of the most vulnerable.

In conclusion, the humanitarian crisis in Gaza is not an accidental consequence of conflict but a deliberate outcome of Israel’s policies of humanitarian management, de-development, and the broader securitization of aid. These policies, deeply rooted in a settler colonial framework marked by decades of territorial dispossession, economic blockade, and the restriction of essential resources have rendered Gaza perpetually vulnerable, setting the stage for a humanitarian catastrophe that was not only predictable but also entirely preventable. Israel’s humanitarian management, while framed as a benevolent effort, has in reality functioned as a mechanism of control and oppression. By meticulously calibrating the flow of resources to maintain a “humanitarian minimum,” Israel has ensured that Palestinians in Gaza remained dependent on aid while simultaneously stifling any possibility of economic development or self-sufficiency. This system, combined with the securitization of aid, has transformed humanitarian assistance, I have argued,

into a tool of surveillance and compliance that fed the settler colonial project and created the possibility for absolute deprivation that would make life impossible. As such, the Gaza case underscores the urgent need to integrate discussions of famine and starvation crimes, critical humanitarianism, and socio-historical analysis of genocide to fully expose the processes of settler colonial genocides as attritional processes. The case of Gaza stands as a stark reminder of how humanitarian frameworks may be manipulated to perpetuate oppression, and it challenges the international community to confront the realities of settler colonial violence in all its forms. The recent emergence of privatized aid and security represents the culmination of this decades-long securitization of aid, bringing this strategy of control full circle into an explicit system of “carceral humanitarianism.” This model, which subjects aid recipients to stringent biometric screenings and highly controlled distribution points, not only treats vulnerable individuals as security threats but also has already proven deadly, with hundreds of Palestinians reportedly killed while attempting to access relief under such militarized conditions. Israel’s humanitarian management system, cloaked in the rhetoric of benevolence, disguises violent practices aimed at thwarting Palestinian aspirations for statehood. This form of humanitarian gaslighting, where the language of aid and legality is weaponized to obscure the violent realities of occupation and siege, not only functions as a mechanism of political control and oppression, but also undermines the moral foundations of International Humanitarian Law and human rights. This is precisely why the South African legal team’s case at the International Court of Justice marks a significant and potentially groundbreaking effort to bring mass starvation to the forefront of international legal scrutiny.

NOTES

1. “Urgent Request and Application for the Indication of Additional Provisional Measures and the Modification of the Court’s Prior Provisional Measures Decisions Pursuant to Article 41 of the Statute of the International Court of Justice and Articles 75 And 76 of The Rules of Court of the International Court of Justice,” May 10, 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240510-wri-01-00-en.pdf>.

2. Israel signed the United Nations Convention on the Prevention and Punishment of the Crime of Genocide in August of 1949 and ratified the following year on March 9, 1950. For the case, see, Application Instituting Proceedings, December 29, 2023, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf#page=72>.

3. International Court of Justice, “South Africa institutes proceeding against the State of Israel and requests to indicate provisional measures,” Press release, December 29, 2023, <https://www.un.org/unispal/document/icj-southafrica-israel-genocide-29dec2023/>.

4. My emphasis, International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, January 26, 2024, <https://www.icj-cij.org/node/203447>.

5. Norwegian physician Mads Gilbert described the scene. Israel’s denial of “opening the blockade and opening of the siege to allow in help” has generated slow and invisible deaths. “We don’t see that. We only count the dead and the bombardment.” Mads Gilbert, “Don’t Look for the Suffering, Look for the Strength,” interview on South African Radio 786, November 22, 2023, <https://www.radio786.co.za/video-dr-mads-gilbert/>.

6. Martin Griffith, “You Think Getting Aid into Gaza is Easy? Think again,” X (Formerly Twitter), December 29, 2023, <https://x.com/UNReliefChief/status/1740526522476191938?s=20>.

7. Griffith, “You Think Getting Aid into Gaza is Easy?”

8. Convention on the Prevention and Punishment of the Crime of Genocide, Article 2 (c), https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

9. For more on this subject, see Melanie S. Tanielian, “The Silent Slow Killer of Famine: Humanitarian Management and Permanent Security,” *Journal of Genocide Research* (February 2024): 1–9, DOI: 10.1080/14623528.2024.2310866.

10. Randle C. DeFalco, “Conceptualizing Famine as a Subject of International Criminal Justice: Towards a Modality-Based Approach,” *University of Pennsylvania Journal for International Law* 38, no. 4 (2017): 1114, <https://scholarship.law.upenn.edu/jil/vol38/iss4/2>. According to the research of Bridget Conley and others

there have been only two cases wherein the prosecution has “pleaded starvation as a distinct crime.” These were domestic cases in Croatia and Ethiopia. There have been an additional “approximately twenty-one cases” that have “featured starvation as the context in other distinct CAH [Crimes against Humanity] often in detention situation,” see Bridget Conley, Alex de Waal, Catriona Murdoch, and Wayne Jordash QC, eds., *Accountability for Mass Starvation: Testing the Limits of the Law*, Oxford Monographs in International Humanitarian & Criminal Law (Oxford: Oxford Academic, 2022), 8 n. 25.

11. I follow Bridget Conley, Randle DeFalco, Senai Abraha, and Alex de Waal’s definition of starvation as a “process of deprivation that occurs when actors impede the capacity of targeted persons to access the means of sustaining life.” The authors use starvation crimes to “capture the ways various legal regimes already criminalize an array of acts and omissions that move populations from conditions of need to life-threatening catastrophe. See “An Unprosecuted Crime,” in Conley, et al., *Accountability for Mass Starvation*, 71.

12. Helen Fein, “Genocide by Attrition 1939–1993: The Warsaw Ghetto, Cambodia, and Sudan: Links between Human Rights, Health, and Mass Death,” *Health and Human Rights* 2, no. 2 (1997): 10–45.

13. Kelly Oliver, *Carceral Humanitarianism: The Logic of Refugee Detention* (Minneapolis: University of Minnesota Press, 2017).

14. Shai Grunberg, “Israel is Gaslighting the World by Diverting Blame for the Humanitarian Disaster in Gaza,” *Haaretz*, November 19, 2024, <https://www.haaretz.com/opinion/2024-11-19/ty-article-opinion/.premium/israel-is-gaslighting-the-world-by-diverting-blame-for-the-humanitarian-disaster-in-gaza/00000193-4548-db97-a3f3-7fed67f0000>.

15. Weizman, *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza* (London: Verso Books, 2012); and Michel Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government*, trans. David Fernbach (Malden, MA: Polity, 2011).

16. Whyte refers here to Michel Foucault, *The History of Sexuality*, vol. 1 (New York: Pantheon Books, 1990). See Jessica Whyte, “A ‘Tragic Humanitarian Crisis’: Israel’s Weaponization of Starvation and the Question of Intent,” *Journal of Genocide Research* (April 2024): 3, doi:10.1080/14623528.2024.2339637.

17. Weizman, *Least of All Possible Evils*, 81ff.

18. Lisa Bhungalia, *Elastic Empire: Refashioning War through Aid in Palestine* (Redwood City, CA: Stanford University Press, 2023), introduction.

19. Humanitarian management is a term introduced by Weizman, *Least of All Possible Evils*.

20. Ilana Feldman, “Gaza’s Humanitarian Problem,” *Journal of Palestine Studies* 38, no. 3 (2009): 28, <https://doi.org/10.1525/jps.2009.xxxviii.3.22>.

21. Jeff Halper, “The 94 Percent Solution,” *Middle East Report* 216 (Fall 2000): 14.

22. Prime Minister of Israel on X @IsraeliPM, January 10, 2024, <https://x.com/IsraeliPM/status/1745186120109846710>.

23. Emanuel Fabian, “Israel Rejects Claims it is Restricting Gaza aid, says Hundreds of Trucks Waiting,” *The Times of Israel*, December 3, 2024, <https://www.timesofisrael.com/israel-rejects-claims-it-is-restricting-gaza-aid-says-hundreds-of-trucks-waiting/>.

24. Humanitarian Efforts Israel, “Gaza Humanitarian Aid Data,” accessed September 2, 2025, [https://gaza-aid-data.gov.il/main/international-coordination/#:~:text=List%20of%20organizations%20currently%20\(ASU%20\(UN%20access%20services%20unit\)](https://gaza-aid-data.gov.il/main/international-coordination/#:~:text=List%20of%20organizations%20currently%20(ASU%20(UN%20access%20services%20unit))

25. Prime Minister’s Office, “Prime Minister’s Office, Today,” September 2, 2024, <https://www.gov.il/en/pages/spoke-rafah090224>.

26. Isa Soares Tonight, “ICRC speaks to Isa Soares amid growing concern for civilians in Rafah,” interview with Hisham Mhanna ICRC Spokesperson, accessed May 10, 2024, <https://edition.cnn.com/videos/world/2024/02/09/exp-rafah-gaza-icrc-mhanna-live-020902psegi-cnni-world.cnn>.

27. Leila Sackur, “UNRWA chief: ‘I am almost becoming wordless,’” *NBC News*, February 11, 2024, <https://www.nbcnews.com/news/world/live-blog/israel-hamas-war-live-updates-rcna138215>.

28. International Court of Justice, “Decision of the Court on South Africa’s Request for Additional Provisional Measure,” Press release, February 16, 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240216-pre-01-00-en.pdf>.

29. “Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa V. Israel). Urgent Request and Application for the Indication of Additional Provisional Measures and the Modification of the Court’s Prior Provisional Measures Decisions Pursuant to Article 41 of the Statute of the International Court of Justice and Articles 75 and 76 of The Rules of Court of the International Court of Justice,” March 6, 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240306-wri-01-00-en.pdf>, cited information based on United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel | Flash Update #131* (March 4, 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-131>; United Nations Children’s Fund (UNICEF), *Statement by Adele Khodr, UNICEF Regional Director for the Middle East and North Africa* (March 3, 2024), <https://www.unicef.org/press-releases/statement-adele-khod-r-unicef-regional-director-middle-east-and-north-africa-o>; UN News, *Gaza: Worst Famine Fears Realised as 10th Child Reportedly ‘Starves to Death’*, March 1, 2024, <https://news.un.org/en/story/2024/03/1147112>.

30. International Court of Justice, “Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Request for the Modification of the Order of 26 January 2024 Indicating Provisional Measures, Order. March 28, 2024, General List No. 192,” 7, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>.

31. *Ibid.*, 6.

32. “The situation of hunger, starvation, and famine is the result of Israel’s extensive restrictions on the entry and distribution of humanitarian aid and commercial goods, displacement of most of the population, as well as the destruction of crucial civilian infrastructure.” United Nations High Commissioner for Human Rights, Office of the High Commissioner for Human Rights (OCHR), “Comments by UN High Commissioner for Human Rights Volker Türk on the Risk of Famine in Gaza,” Press release, March 19, 2024, <https://www.un.org/unispal/document/comment-by-un-high-commissioner-for-human-rights-19mar24/>. The IPC’s warning and classification system has been used by legal organizations such as the Mwatana for Human Rights and Global Rights Compliance in their argument that starvation was widely used by warring parties in Yemen. <https://www.mwatana.org/reports-en/starvation-makers-e>. The UN Human Rights Council also has used the IPC to describe starvation as a weapon of war in South Sudan. Human Rights Council, “*There is Nothing Left for Us: Starvation as a Method of Warfare in South-Sudan*,” Conference Room Paper A/HRC/45/CRP.3, Commission on Human Rights in South Sudan, Forty-Fifth Session, 14 September–7 October 2020 (United Nations, 5 October 2020), <https://reliefweb.int/report/south-sudan/there-nothing-left-us-starvation-method-warfare-south-sudan-conference-room-paper>.

33. The second provision that linked the interference with humanitarian aid to acts of genocide was opposed by the Israeli judge on the bench. “Ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance.” International Court of Justice, “Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Request for the Modification of the Order of 26 January 2024 Indicating Provisional Measures, Order. March 28, 2024, General List No. 192,” <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>, 13.

34. Cassandra Vinograd, “Israel’s Closures of 2 Gaza Border Crossings Prompt Alarm Over Humanitarian Aid,” *New York Times*, May 7, 2024, <https://www.nytimes.com/2024/05/07/world/middleeast/rafah-gaza-border-aid.html>.

35. The team asked the court to act based on the Rule of Court Article 75 (i) that rules “the Court may at any time decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures which ought to be taken or complied with by any or all of the parties.” “Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) – Urgent Request for additional measures under Article 75(i) of the rules of Court of the International Court of Justice – ICJ,” accessed May 10, 2024, <https://www.un.org/unispal/document/southafricavsisrael-icj-13feb2024/>.

36. Nidal Al-Mughrabi and Dan Williams, “Israeli Attack on Rafah Tent Camp Kills 45, Prompts International Outcry,” *Reuters*, May 27, 2024, <https://www.reuters.com/world/middle-east/israeli-attack-rafah-tent-camp-draws-global-condemnation-2024-05-27/>.

37. COGAT Assessment, “Food and Food Security in the Gaza Strip—Response to the IPC Reports,” March 6, 2024, <https://gaza-aid-data.gov.il/media/fbffdq2q/cogat-assessment-food-and-food-security-in-the-gaza-strip-response-to-ipc-report-1.pdf>.

38. Miriam Bulwar David-Hay, “COGAT: Israel Can Send Hundreds of Aid Trucks to Gaza, But Agencies Stuck in Delivering,” *Jerusalem Post*, December 9, 2023, <https://www.jpost.com/arab-israeli-conflict/gaza-news/article-777285>.

39. Menealos Hadjicostis, “Israel’s Top Diplomat Wants to Fast-Track Humanitarian Aid to Gaza via Maritime Corridor from Cyprus,” *AP News*, December 20, 2023, <https://apnews.com/article/cyprus-israel-gaza-humanitarian-aid-maritime-corridor-28abo35dcaar18413ddfa36929dd1b457>.

40. (My emphasis). Nadeen Ebrahim, “Netanyahu Says War Efforts Are Supported by Humanitarian Efforts — But Aid Groups Say It’s Not Enough,” *CNN*, December 5, 2023, https://edition.cnn.com/middle-east/live-news/israel-hamas-war-gaza-news-12-05-23/h_oaa15fbo4f5492f5b393125b91363fb6.

41. “UNRWA Pauses Aid Through Key Gaza Crossing as Hunger Stalks Palestinians,” *Al Jazeera*, December 1, 2024, <https://www.aljazeera.com/news/2024/12/1/unrwa-pauses-aid-through-key-gaza-crossing-as-hunger-stalks-palestinians>.

42. Alex DeWaal, “Mass Starvation Is a Crime—It’s Time We Treated It That Way,” *Boston Review*, January 14, 2019, <https://www.bostonreview.net/articles/alex-de-waal-starvation-crimes/>.

43. Conley and de Waal provide a long list of examples. Bridget Conley and Alex de Waal, “Genocide, Starvation and Famine,” in *The Cambridge World History of Famine*, ed. Ben Kiernan, T. M. Lemos, and Tristan S. Taylor (Cambridge: Cambridge University Press, 2023), 127.

44. Ibid., 136.
45. For a detailed discussion, see DeFalco, "Conceptualizing Famine as a Subject of International Criminal Justice," 1114.
46. There were early indications that the intentional starvation of civilians would be criminalized, for instance, Art. 17, *General Orders No. 100: The Lieber Code, Instructions for the Government of Armies of the United States in the Field and Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land (The Hague, 18 October 1907)*. See, Wayne Jordash, Catriona Murdoch, and Joe Holmes, "Strategies for Prosecuting Mass Starvation," *Journal of International Criminal Justice* 17, no. 4 (September 2019): 851.
47. The International Committee of the Red Cross pushed for stronger protections against starvation in the 1949 Geneva Conventions. See Nicholas Mulder and Boyd van Dijk, "Why Did Starvation Not Become the Paradigmatic War Crime in International Law?" in *Contingency in International Law: On the Possibility of Different Legal Histories*, ed. Ingo Venzke, and Kevin Jon Heller (Oxford: Oxford University Press, 2021; online ed., Oxford Academic, 23 Sept. 2021), 370–88.
48. For a broader discussion on the use of starvation as a method of warfare and its legality, see Tom Dannenbaum, "Siege Starvation: A War Crime of Societal Torture" *Chicago Journal of International Law* 22, no. 2 (2022): 368–442.
49. Article 54 of *Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, states that (1) "Starvation of civilians as a method of warfare is prohibited, and (2). It is prohibited to attack, destroy, remove, or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies, and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether to starve out civilians, to cause them to move away or for any other motive." International Committee of the Red Cross, *Protocols Additional to the Geneva Conventions of 12 August 1949* (Geneva: May 2010), https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/icrc_002_0321.pdf.
50. Statute of the International Criminal Court Article 8 (2) (b) (xxv): "Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including the willfully impeding relief supplies as provided for under the Geneva Conventions," <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>.
51. Jordash, et al. "Strategies for Prosecuting Mass Starvation," 850.
52. David Marcus. "Famine Crimes in International Law," *The American Journal of International Law* 97, no. 2 (2003): 245–81. <https://doi.org/10.2307/3100102>.
53. For Lemkin, the racialized discrimination in feeding, the detailed provisioning hierarchies, and the endangerment of health can be seen as "biomedical engineering" that, in its extreme form, may be genocidal. Ibid.
54. Adi Radhakrishnan, "An Inherent Right to Health: Reviving Article II (c) of the Genocide Convention," *Columbia Human Rights Law Review* 52, no. 1 (2020): 110.
55. "The detention of thousands of Bosnian Muslims and Bosnian Croats in detention facilities within Bosnia and Herzegovina . . . under conditions of life calculated to bring about the partial physical destruction of those groups, namely through starvation, contaminated water, forced labour, inadequate medical care and constant physical and psychological assault." *The Prosecutor of the Tribunal v. Slobodan Milosevic*, Case No. IT-01-51-I, International Criminal Tribunal for the former Yugoslavia (ICTY), https://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-ii011122e.htm.
56. Jordash, et al., "Strategies for Prosecuting Mass Starvation," 853.
57. Moeen Ahmed Qureshi, "Whether Specific Intent to Destroy (Dolus Specialis) is Required for Genocidal Crime or Mere Prior Knowledge is Sufficient?" (October 21, 2015), Available at SSRN: <https://ssrn.com/abstract=2677182> or <http://dx.doi.org/10.2139/ssrn.2677182>
58. Proponents draw on concepts of oblique intent and evidential presumptions accepted in some domestic legal systems, arguing that knowingly carrying out acts with likely destructive consequences meets the volitional aspect required for genocidal intent. For instance, some scholars propose adopting an evidential approach to infer genocidal intent, similar to how some domestic legal systems infer intent. A. Noor, "Evidential Approach to Determine Genocidal Intent," (July 22, 2013), Available at SSRN: <https://ssrn.com/abstract=2297054> or <http://dx.doi.org/10.2139/ssrn.2297054>
59. Radhakrishnan, "An Inherent Right to Health," 110.
60. Whyte, "Tragic Humanitarian Crisis," 4.
61. Slow genocidal processes (genocide by attrition), according to Rosenberg, may be understood as a "collective cataclysm" that relies on indirect methods of destruction. Sheri P. Rosenberg, "Genocide is a Process, Not an Event," *Genocide Studies and Prevention: An International Journal* 7, no. 1 (2012): 16–23; Everita Silina, "Genocide by Attrition," *International Affairs Working Paper 2008-08*, International Studies Association annual meeting, San Francisco, CA, March 26–29, 2008; Martin Shaw, "Palestine and Genocide: An International Historical Perspective Revisited," *Holy Land Studies* 12, no. 1 (2013): 1–7; Martin Shaw, "Palestine in an

International Historical Perspective on Genocide,” *Holy Land Studies* 9, no. 1 (2010): 1–24; and Donald Bloxham, *The Final Solution: A Genocide* (Oxford: Oxford University Press, 2009); also see Dirk Moses, “An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia,” *Journal of Genocide Research* 2, no. 1 (2000): 89–106; Fein, “Genocide by Attrition 1939–1993.”

62. Raphael Lemkin, *Axis Rule in Occupied Europe; Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, Division of International Law), 79; Raphael Lemkin’s original concept of genocide, including both “extermination” (mass murder) and “crippling” (non-lethal weakening) of oppressed groups. Dirk Moses argues that this has created an inherent tension, making the concept of genocide fundamentally unstable. Still, this approach may have strength, as Martin Shaw contends the situation in Gaza demonstrates. Martin Shaw, “Inescapably Genocide,” *Journal of Genocide Research* (January 2024): 1–5, DOI: 10.1080/14623528.2024.2305525. As Alex de Waal writes: “When the Allied lawyers drafted the Genocide Convention, starvation was left unnamed, subsumed under ‘deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part’—one of several elements in Lemkin’s earlier definitions of genocide that disappeared during the process of finalizing the convention.” Alex De Waal, “Vanishing Point of the Laws of War,” *The New York Review*, September 11, 2022, <https://www.nybooks.com/online/2022/09/11/the-vanishing-point-of-the-laws-of-war-famine/>.

63. Bridget Conley and Alex de Waal, “The Purposes of Starvation: Historical and Contemporary Uses,” *Journal of International Criminal Justice* 17, no. 4 (September 2019): 705. Lemkin lists discriminatory feeding as one of the mechanisms of genocide and documented the Nazi Hunger Plan as a weapon to subjugate people in Nazi occupied territories. See Alex de Waal, *Mass Starvation: The History and Future of Famine* (Malden, MA: Polity Press, 2018), chapter 2.

64. Fein, “Genocide by Attrition 1939–1993,” 14, 20 and 22; also see Rosenberg, “Genocide is a Process, Not an Event.”

65. Heerten and Moses argue that the famine “was intrinsic to the war’s operational unfolding.” The larger point of the authors is the importance of postcolonial conflicts to the study of genocide, arguing in this case “that accusations of genocide were elemental to the Biafran propaganda campaign, prompting an international debate about the application of the term.” Lasse Heerten and A. Dirk Moses, “The Nigeria–Biafra War: Postcolonial Conflict and the Question of Genocide,” *Journal of Genocide Research* 16, no. 2–3 (2014): 170.

66. As cited in Heerten and Moses, “Nigeria–Biafra War,” 170.

67. Rachel Ibreck and Alex de Waal, “Introduction: Situating Ethiopia in Genocide Debates,” *Journal of Genocide Research* 24, no. 1 (2022): 83–96.

68. Conley and de Waal, “Genocide, Starvation, and Famine,” 132.

69. See De Waal, *Mass Starvation*.

70. Pauline Wakeham, “The Slow Violence of Settler Colonialism: Genocide, Attrition, and the Long Emergency of Invasion,” *Journal of Genocide Research* 24, no. 3 (2021): 339.

71. Senjuti Mallik, “Colonial Biopolitics and the Great Bengal Famine of 1943,” *GeoJournal* 8, no. 3 (2023): 3205–21.

72. De Waal, *Mass Starvation*, 69; Also see Mike Davis, *Late Victorian Holocausts: El Niño Famines and the Making of the Third World* (New York: Verso, 2001).

73. Conley and de Waal, “Purposes of Starvation,” 705.

74. Ibid., 706; also see D. Schaller, “From Conquest to Genocide: Colonial Rule in German Southwest Africa and German East Africa,” in *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History*, ed. A. Dirk Moses (New York: Berghahn Books, 2010): 296–324.

75. Moses, “An Antipodean Genocide?” 92, 103; also see John Docker’s essay on Lemkin’s unpublished research for a global history of genocide. Docker notes that Lemkin argues strongly for “the inherent and constitutive relationship between genocide and settler-colonialism.” John Docker, “Are Settler-Colonies Inherently Genocidal? Rereading Lemkin,” in *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History*, ed. A. Dirk Moses (New York: Berghahn Books, 2010), 81–101.

76. Moreover, the famine was a rhetorical battleground for competing visions of colonialism, with military administrators, liberal settlers, and Catholic clergy all using the crisis to advance their own agendas for governing Algeria, while largely ignoring the suffering of Indigenous people. Yan Slobodkin, *The Starving Empire: A History of Famine in France’s Colonies* (Ithaca, NY: Cornell University Press, 2023).

77. De Waal cites George Hamilton-Browne, an imperial officer in New Zealand: “Civilised white men, however, use hunger and thirst as two of their most formidable weapons.” Alex de Waal, *Mass Starvation*, 67.

78. Ibid.

79. Ibid., 214, 2.

80. For new atrocity famines see, *ibid.*, chapter 10, 179–216.

81. Ibid., 195.

82. “While there was widespread food insecurities across Palestinian communities, particularly in Gaza, before the Hamas attack and Israel’s siege, the recent acceleration in hunger has been unprecedented this century.” Caitlin Welsh, Anita Kirschenbaum, and Zana Swanson, “Famine in Gaza,” *Center for Strategic and International Studies*, April 11, 2024, <https://www.csis.org/analysis/famine-gaza>.

83. Peter Howe and Stephen Devereux were the first to attempt a standardized definition of famine that would aid intervention in humanitarian emergencies. The authors divided their scale into “magnitude” (numbers of deaths) and “severity” (measuring food insecurities). Magnitude in thinking about Gaza and any ongoing conflict is not conducive as a real measure would only ever be available after the fact. Paul Howe and Stephen Devereux, “Famine Intensity and Magnitude Scales: A Proposal for an Instrumental Definition of Famine,” *Disasters* 28, no. 4 (2004): 353–72.

84. The Integrated Food Security Phase Classification (IPC) was established in 2004 as an early warning system. The IPC has a clearly defined famine classification system divided into five phases. Phase 5 Famine is defined as at least 20 percent of households facing acute food insecurity or an extreme lack of food, 30 percent of children suffering from acute malnutrition, and the death rate due to starvation or related diseases must be two adults (or four children) in 10,000 every day. The IPC is a global partnership of twenty-one organizations and intergovernmental institutions, which aims to provide “decision-makers with a rigorous, evidence- and consensus-based analysis of food insecurity and acute malnutrition situations, to inform emergency responses as well as medium- and long-term policy and programming.” The IPC is not a declarative body but a tool that governments and international bodies will use to issue these declarations. See the IPC Fact Sheet, <https://www.ipcinfo.org/ipcinfo-website/countries-in>. The IPC scale is by no means perfect, but rather an “operational compromise,” but even as such, it is a mechanism that has developed a usable standard to access when a society nears famine. For a critical analysis of the IPC scale, see De Waal, *Mass Starvation*, 180–81.

85. By citing a history of counter-humanitarian ideologies, I am referring to the way humanitarian action, particularly after 9/11, has been increasingly subordinated to security agendas, with aid increasingly framed as a tool of counterterrorism and counter insurgency. This reflects the logic and desires of permanent security, in which the defense of sovereignty against a real or perceived threat sacrifices human life to strategic goals, and is manifested in the securitization of humanitarian aid, where crises are cast as security threats and relief efforts become entangled with military and political agendas. For permanent security, see Dirk A. Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge: Cambridge University Press, 2021).

86. Vusi Madonsela, “Opening Statement,” Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) – Public hearings – Oral argument of South Africa, minutes 14:56–18:47, January 11, 2024, <https://www.icj-cij.org/multimedia/203403>.

87. Madonsela, “Opening Statement.” Also see, Tanielian, “Silent Slow Killer of Famine.”

88. A recent discussion of the *Journal of Genocide Studies*, “Forum: Israel-Palestine: Atrocity Crimes and the Crisis of Holocaust and Genocide Studies,” highlights the political stakes and the divisiveness in the field, especially when it comes to applying the label of genocide to Palestine, which often evokes harsh condemnation and “fanatical pushback.” For citation, see Abdelwahab El-Affendi, “The Futility of Genocide Studies After Gaza,” *Journal of Genocide Research* (January 2024): 5, doi:10.1080/14623528.2024.2305525. More generally, see Haifa Rashed and Damien Short, “Genocide and Settler Colonialism: Can a Lemkin-Inspired Genocide Perspective Aid Our Understanding of the Palestinian Situation?” *International Journal of Human Rights* 16, no. 8 (2012): 1142–69; and Martin Shaw, “Inescapably Genocide,” *Journal of Genocide Research* (January 3, 2024), <https://doi.org/10.1080/14623528.2023.2300555>.

89. Alex de Waal, *Mass Starvation*, 67.

90. Ugur Ümit Üngör, “Screaming, Silence, and Mass Violence in Israel/Palestine,” *Journal of Genocide Research* (January 2024): 1–9, <https://doi.org/10.1080/14623528.2024.2309709>. The scholarship that defines the Zionist project as a settler colonial project has been established for over three decades and is central to understanding the unprecedented size and speed of the genocidal famine as it is evolving in Gaza. One of the foundational works was that of Israeli Sociologist Gershon Shafir, whose *Land, Labor and the Origins of the Israeli-Palestinian Conflict, 1882–1914* (Cambridge: Cambridge University Press, 1989) was a central work of the new historians of Israel who began writing against the nationalist history of the state in the late 1980s. Also see Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387–409, <https://doi.org/10.1080/14623528.2024.2309709>; and Steve Lendman, “Israel’s Slow-Motion Genocide in Occupied Palestine,” in *The Plight of the Palestinians: A Long History of Destruction*, ed. William A. Cook (New York: Palgrave Macmillan, 2010), 29–38.

91. See Eva Illouz, “Genocide in Gaza? Eva Illouz replies to Didier Fassin,” *K. Jews, Europe, the XX1st Century*, November 16, 2023, <https://k-larevue.com/en/genocide-in-gaza-eva-illouz-replies-to-didier-fassin/>. These questions were raised by the *Journal of Genocide Research* editors’ prompt to forum contributions on genocide in Gaza. That there is a blind spot is clear. For instance, Raz Segal and Daniele Luigi note that an online search of the US-based *Holocaust and Genocide Studies* or the Britain-based *Holocaust Studies: A Journal of Culture and History* produces only a handful of articles that relate to the Nakba, Palestinians, or Gaza. See Raz Segal and Daniele Luigi, “Gaza as Twilight of Israel Exceptionalism: Holocaust and Genocide Studies from Unprecedented Crisis to Unprecedented Change,” *Journal of Genocide Research* (March 2024): 9, doi:10.1080/14623528.2024.2325804.

92. Among the rare exceptions are Daniel Short and Haifa Rashed, in “Genocide and Settler Colonialism: Can a Lemkin-Inspired Genocide Perspective Aid our Understanding of the Palestinian Situation?” *The*

International Journal of Human Rights 16, no. 8 (2012): 1142–69; also see Lendman, “Israel’s Slow-Motion Genocide in Occupied Palestine”; Ilan Pappé, “Genocide in Gaza,” in *The Plight of the Palestinians: A Long History of Destruction*, ed. William A. Cook (New York: Palgrave Macmillan, 2010): 201–6; most importantly, see Martin Shaw, “Palestine and Genocide: An International Historical Perspective Revisited,” *Holy Land Studies* 12, no. 1 (2013): 1–7; Martin Shaw, “Palestine in an International Historical Perspective on Genocide,” *Holy Land Studies* 9, no. 1 (2010): 1–24; and Martin Shaw and Omer Bartov, “The Question of Genocide in Palestine, 1948: An Exchange Between Martin Shaw and Omer Bartov,” *Journal of Genocide Research* 12, no. 3–4 (2010): 243–59; Abdelwahab El-Affendi, “The Futility of Genocide Studies After Gaza,” *Journal of Genocide Research* (January 2024): 6, <https://doi.org/10.1080/14623528.2024.2305525>.

93. Omer Bartov has been an important voice in the current debate around the genocide in Gaza, as he initially (November 10, 2023) warned that he saw genocidal intent that could easily tip into genocidal action. He noted that “we may be watching an ethnic cleansing operation that could quickly devolve into genocide.” Omer Bartov, “What I Believe as a Historian of Genocide,” *New York Times*, November 10, 2023, <https://www.nytimes.com/2023/11/10/opinion/israel-gaza-genocide-war.html>. In a November 22, 2024, interview with *Here & Now*, Bartov went on the record saying Israel had committed genocide. *Here & Now* interview with Omer Bartov, “Holocaust Scholar Says Israel has Committed Genocide in Gaza,” November 22, 2024, <https://www.wbur.org/hereandnow/2024/11/22/holocaust-scholar-israel>.

94. Both Gallant and Netanyahu are cited as “Allegedly responsible for the war crimes of starvation as a method of warfare and of intentionally directing an attack against the civilian population; and the crimes against humanity of murder, persecution, and other inhumane acts from at least 8 October 2023 until at least 20 May 2024.” International Criminal Court, “Netanyahu — Arrest Warrant,” accessed September 20, 2025, <https://www.icc-cpi.int/defendant/netanyahu>; International Criminal Court, “Gallant — Arrest Warrant,” accessed September 20, 2025, <https://www.icc-cpi.int/defendant/gallant>; also see International Criminal Court, “Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine,” accessed September 20, 2025, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

95. For a brief account of the term “open air prison,” see Ilana Feldman’s “Gaza as an Open-Air Prison,” *Middle East Report* 275 (Summer 2015). Ilan Pappé has referred to both the West Bank and Gaza as “The Biggest Prison on Earth” and Gaza since 2005 as “the ultimate maximum security Prison model.” See Ilan Pappé, *The Biggest Prison on Earth: A History of the Occupied Territories* (London: Oneworld Books, 2017), 213. The former British prime minister David Cameron has called Gaza an “open-air prison.” As cited in Norman Finkelstein, *Gaza: An Inquest into Its Martyrdom* (Berkeley: University of California Press, 2018), 15.

96. To list only a few works, Rashid Khalidi, *The Hundred Years’ War on Palestine: A History of Settler Colonialism and Resistance, 1917–2017* (New York: Metropolitan Books, 2020); Ilan Pappé, *A History of Modern Palestine* (Cambridge: Cambridge University Press, 2022); Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 2009); Charles D. Smith, *Palestine and the Arab-Israeli Conflict: A History with Documents* (Boston: Bedford/St. Martin’s, 2017); James L. Gelvin, *The Israel-Palestine Conflict: One Hundred Years of War* (Cambridge: Cambridge University Press, 2014); for politics of provisioning, see, Melanie S. Tanielian, *The Charity of War: Famine, Humanitarian Aid, and World War I in the Middle East* (Stanford, CA: Stanford University Press, 2018); for humanitarian management, see Weizman, *Least of All Possible Evils*.

97. Jean-Pierre Filiu, *Gaza: A History* (Oxford: Oxford University Press, 2014), 272.

98. Howard-Hassman, *State Food Crime*, 125.

99. United Nations Office for the Coordination Humanitarian Affairs (OCHA), “Why is Israel Pulling out Settlers from Gaza, West Bank?” Press release, August 15, 2005, <https://reliefweb.int/report/israel/why-israel-pulling-out-settlers-gaza-west-bank>; Filiu, *Gaza*, 286.

100. Ari Shavit, “Top PM Aide: Gaza Plan Aims to Freeze the Peace Process,” *Haaretz*, October 6, 2004, <https://www.haaretz.com/2004-10-06/ty-article/top-pm-aide-gaza-plan-aims-to-freeze-the-peace-process/0000017f-e56c-dea7-adff-f5fffc40000?ts=17175750199>.

101. It eventually inspired Sharon’s break with Likud and the founding of the Kadima Party in 2005.

102. For more information, see “Operation First Rain” and “Operation Eternal Renewal” in Filiu, *Gaza*, 287.

103. *Ibid.*, 286.

104. *Ibid.*, 283.

105. Hamas was founded in 1987. The United States designated the organization a foreign terrorist organization in 1997. The European Union followed suit in 2003.

106. Eventually, 85 percent of Gaza’s fishing territory or three nautical miles, which was supposed to be twenty nautical miles of its shores, was blockaded by Israel until 2014. After that, the range was slightly increased from three to five nautical miles. UN report conducted after the Israeli attack on the Turkish aid vessel *MV Mavi Marmara*, killing nine activists, found that “at least the naval aspect of the blockade was a legitimate security measure” and in compliance with International Law. This assessment was disputed by five independent UN Human Rights Rapporteurs, who deemed the blockade to be collective punishment of Palestinian civilians in retaliation for actions by the Palestinian leadership. Jean-Pierre Filiu, “The Twelve Wars on

- Gaza,” *Journal of Palestine Studies* 44, no. 1 (2014): 56, <https://doi.org/10.1525/jps.2014.44.1.52>; and Rhoda Howard-Hassman, *State Food Crimes* (Cambridge: Cambridge University Press, 2016), 127, 150.
107. Filiu, *Gaza*, 291.
 108. Ibid., 296.
 109. Lendman, “Israel’s Slow-Motion Genocide in Occupied Palestine,” 31.
 110. Famine Studies expert Alex de Waal references Dov Weisglass, an adviser to former Israeli prime minister Ehud Olmert, to underscore the ongoing strategy. Alex de Waal, “Starvation as a Method of Warfare,” *London Review of Books Blog*, January 11, 2024, <https://www.lrb.co.uk/blog/2024/january/starvation-as-a-method-of-warfare>.
 111. Howard-Hassman, *State Food Crimes*, 127.
 112. A line that was repeated by Israeli military officers in their meetings with UNRWA, Uri Blau and Yotam Feldman “Gaza Bonanza” *Haaretz*, June 11, 2009, <https://www.haaretz.com/2009-06-11/ty-article/gaza-bonanza/0000017f-f886-d460-afff-fbe6cf930000>.
 113. Operation “Cast Lead” (2008–09) killed between 1,385 and 1,419 Palestinian, compared to 13 Israeli deaths. In 2014, Palestinian deaths were estimated to have been somewhere between 1,473 and 2,191. The numbers vary depending on the reporting agencies. Howard-Hassman, *State Food Crimes*, 117.
 114. United Nations Human Rights Council, “Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48),” January 25, 2009, accessed August 15, 2025, <https://documents.un.org/doc/undoc/gen/g09/158/66/pdf/g0915866.pdf>.
 115. Weizman, *Least of All Possible Evils*, 81ff.
 116. Avi Shlaim, “How Israel Brought Gaza to the Brink of Humanitarian Catastrophe,” *Guardian*, January 7, 2009, as cited in Feldman, “Gaza’s Humanitarian Problem,” 22.
 117. Ibid., 28.
 118. Adam Hochschild, *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York: Houghton Mifflin Harcourt Publishing: 1998).
 119. For a look at UN involvement in Palestine from 1948 onward, see Feldman, “Gaza’s Humanitarian Problem.”
 120. Filiu, “Twelve Wars on Gaza.”
 121. Fiona Wrights and Sara Robinson, “‘Humanitarian Minimum,’ Israel’s Role in Creating Food and Water Insecurity in the Gaza Strip,” *Physicians for Human Rights- Israel*, December 2010, 8; see Sara Roy, *The Gaza Strip: The Political Economy of De-development* (Washington, DC: Institute for Palestine Studies, 2016).
 122. Howard-Hassman, *State Food Crimes*, 126.
 123. Feldman notes that even before the 2009 closing of border crossings, Palestinians in Gaza were struggling a “humanitarian implosion,” as since the 2006 election of Hamas, “Israel and the international community have maintained a blockade of the Gaza Strip that only tightened after Hama’s takeover of Gaza in June 2007.” For details, see, Feldman, “Gaza’s Humanitarian Problem.”
 124. Moses, *Problems of Genocide*, 1
 125. For politics of provision, see, Tanielian, *The Charity of War*; citation from Conal Urquhart, “Gaza on Brink of Implosion as Aid Cut-Off Starts to Bite,” *The Guardian*, April 16, 2006, <https://www.theguardian.com/world/2006/apr/16/israel>.
 126. Weizman, *Least of All Possible Evils*, 81ff.
 127. Israeli Supreme Court, *Jaber Al-Bassiouni and others v. The Prime Minister and the Minister of Defence*, January 30, 2008, <https://casebook.icrc.org/case-study/israel-power-cuts-gaza>.
 128. For a general description by Abu Zayd, see, Karen Koning Abu Zayd, “Brutal Siege in Gaza,” *Guardian*, January 28, 2008, <https://www.theguardian.com/commentisfree/2008/jan/23/israelandthepalestiniansworld>; citation here from Suleiman al-Khalidi, “Gaza on the Brink of Humanitarian Disaster,” *Reuters*, November 21, 2008, <https://www.reuters.com/article/us-palestinians-un-aid/gaza-on-brink-of-humanitarian-disaster-un-idUSTRE4AK3UJ20081121/>.
 129. Weizman, *Least of All Possible Evils*, 81.
 130. See parts of the document translated in English published by Gisha titled, “Israel Uses the Closure as Economic Warfare,” HCJ 9132/07 *Al-Bassiouni v. The Prime Minister*, Paragraphs 43, 44 in the State’s Response from 1.11.2007,” https://spg.org.il/docs_html/eng/Eng_traders/legal/doc%20ofull_eng%20trader_legal_01.pdf.
 131. Gisha – Legal Center for Freedom of Movement, *Red Lines: A Position Paper* (October 2012), <https://www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf>.
 132. Weizman, *Least of All Possible Evils*, 82.
 133. Ibid.
 134. Amira Hass, “Israel’s Supreme Court Tells State to Reveal Gaza ‘Red Lines’ Paper,” *Haaretz*, September 6, 2012, <https://www.haaretz.com/2012-09-06/ty-article/court-tells-state-to-reveal-gaza-red-lines-paper/0000017f-e1bf-d75c-a7ff-fdbfc390000>.
 135. “It is necessary to deal with the international community and the Palestinian Health Ministry to provide nutritional supplements (only some of the flour in Gaza is enriched) and to provide education about

proper nutrition.” Uri Blau and Yotam Feldman, “Gaza Bonanza,” *Haaretz*, June 11, 2009, <https://www.haaretz.com/2009-06-11/ty-article/gaza-bonanza/0000017f-f886-d460-afff-fbe6cf930000>; for reference to WHO standards, see Howard-Hassman, *State Food Crimes*, 127.

136. GOCAT, *Order No. 605: Procedure for Monitoring and Assessing Inventories in the Gaza Strip* (April 2009), [unofficial translation], <https://www.gisha.org/UserFiles/File/HiddenMessages/DefenseMinistryDocumentsRevealedFOIAPetition.pdf>; Before 2007 about 400 truckloads would enter Gaza every day. Out of the 106 permitted after 2007, 77 were to be food and 29 other aid supplies. See Howard-Hassman, *State Food Crimes*, 127.

137. As reported by Jonathan Cook, “Israel’s Starvation Diet Formula in Gaza and the Expansion of the ‘Dahiya doctrine,’” *Mondoweiss*, October 24, 2012, <https://mondoweiss.net/2012/10/israels-starvation-diet-formula-in-gaza-and-the-expansion-of-the-dahiya-doctrine/>.

138. “It is necessary to deal with the international community and the Palestinian Health Ministry to provide nutritional supplements (only some of the flour in Gaza is enriched) and to provide education about proper nutrition.” Blau and Feldman, “Gaza Bonanza.”

139. Masako Horino, Randa Zaqqout, Rami Habash, Shatha Albaik, Yehia Abed, Ghada Al-Jadba, Keith P West Jr, and Akihiro Seita, “Food Insecurity, Dietary Inadequacy, and Malnutrition in the Gaza Strip: A Cross-Sectional Nutritional Assessment of Refugee Children Entering the First Grade of UNRWA Schools and Their Households Before the Conflict of 2023–24,” *The Lancet Global Health* 12, no. 11 (2024): e1871–e1880; Enas Assaf, Haleama Al-Sabbah, and Ayyoub al-Jawadleh, “Analysis of the Nutritional Status in the Palestinian Territory: A Review Study,” *Frontiers in Nutrition* 10, no.1206090 (2023): 1–15, doi:10.3389/fnut.2023.1206090.

140. For details, see Weizman, *Least of All Possible Evils*, 81ff. For a summary of Weizman as well as a discussion of the tunnel economy and its destruction, see Mohamed Ezz and Noor Wirki, “Gaza Siege: Years of Starvation,” *Madamasr*, November 28, 2023, <https://www.madamasr.com/en/2023/11/28/feature/politics/gaza-siege-years-of-starvation/>; Howard-Hassman, *State Food Crimes*, on page 128 discusses the tunnel economy. For instance, Hamas taxed goods coming through the tunnels from Egypt, which was “an important source of revenue.”

141. B’tselem, “Act of Vengeance: Israel’s Bombing of the Gaza Power Plant and its Effects,” *Status Report*, September 2006, https://www.btsalem.org/publications/summaries/200609_act_of_vengeance.

142. “Since January 2010, the daily electricity deficit has increased further, following the expiration of the European Commission’s direct subsidy to the fuel purchase for the GPP [Gaza Power Plan]. Since this time, the power plant has twice had to shut down completely due to lack of fuel. The plant now operates using one turbine, producing only 30 MW of electricity, compared to its average production of 60–65 MW in 2009 and 120–140 MW at full capacity.” United Nations Office for the Coordination Humanitarian Affairs (OCHA), “Gaza’s Electricity Crisis: The Impact of Electricity Cuts on the Humanitarian Situation,” May 10, 2010, https://www.ochaopt.org/sites/default/files/ocha_opt_gaza_electricity_crisis_2010_05_17.pdf.

143. Israel compels Gaza residents to purchase Israeli fuel exclusively and to do so for the same price paid inside Israel. The immense disparity between the economy of the West Bank and Gaza Strip and Israel’s means that both the Palestinian authorities and Palestinian private individuals have difficulty meeting the cost and are unable to buy sufficient amounts of diesel. Amnesty International, “Gaza: Looming Humanitarian Catastrophe Highlights Need to Lift Israel’s 10-year Illegal Blockade,” June 14, 2017, <https://www.amnesty.org/en/latest/press-release/2017/06/gaza-looming-humanitarian-catastrophe-highlights-need-to-lift-israels-10-year-illegal-blockade/>; United Nations Office for the Coordination Humanitarian Affairs (OCHA), “Electricity and water infrastructure severely damaged during hostilities,” *The Monthly Humanitarian Bulletin*, June–August 2014, <https://www.ochaopt.org/content/electricity-and-water-infrastructure-severely-damaged-during-hostilities>; B’tselem, “Act of Vengeance: Israel’s Bombing of the Gaza Power Plant and its effects,” *Status Report*, September 2006, https://www.btsalem.org/publications/summaries/200609_act_of_vengeance.

144. Israel’s discriminatory water policies in the West Bank have been well documented and access to water has been at the heart of the conflict more generally. Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

145. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Impact of the Blockade on Water and Sanitation in Gaza – WASH Advocacy Task Force: Fact Sheet 1*, March 9, 2009, <https://www.un.org/unispal/document/auto-insert-207194/>.

146. Howard-Hassman, *State Food Crimes*, 127.

147. Ibid.

148. Amnesty International, “The Occupation of Water,” November 29, 2017, <https://www.amnesty-org.proxy.lib.umich.edu/en/latest/campaigns/2017/11/the-occupation-of-water>; United Nations Office for the Coordination Humanitarian Affairs (OCHA), “Impact of the blockade on water and sanitation in Gaza – WASH Advocacy Task Force – Fact Sheet 1,” <https://www.un.org/unispal/document/auto-insert-207194/>.

149. Anas Baba and Scott Neuman, “There’s a Water Crisis in Gaza that the End of Fighting Might not Solve,” *NPR*, December 29, 2023, <https://www.npr.org/2023/12/29/1221571110/gaza-water-israel-crisis-hamas>.

150. United Nations Office of the High Commissioner for Human Rights (OHCHR), *UN Experts Declare Famine Has Spread Throughout Gaza Strip*, Press Release, July 9, 2024, <https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip>.
151. Khalidi, *Hundred Years' War*, 208.
152. The fate of UNRWA hangs in the balance as Israel has effectively banned the organization from working on Israeli land. The UN has announced it would continue its work regardless. "Israel's ban on UNRWA comes into effect despite the backlash," *Aljazeera*, January 30, 2025, <https://www.aljazeera.com/news/2025/1/30/israels-ban-on-unrwa-comes-into-effect-despite-backlash>. By the end of March 2025, "all UNRWA international staff are banned from entering the Gaza Strip since the few remaining left at the end of March. This follows the passage of two laws by Israel's parliament The Knesset, on October 28, 2024, which aimed to prohibit UNRWA's operations in "Israeli territory" and bar any contact between UNRWA and Israeli officials." United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *UNRWA Situation Report #176 on the Humanitarian Crisis in the Gaza Strip and the West Bank, Including East Jerusalem*, June 20, 2025, <https://www.unrwa.org/resources/reports/unrwa-situation-report-176-situation-gaza-strip-and-west-bank-including-east-jerusalem>
153. Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca, NY: Cornell University Press, 2011); and David Rieff, *A Bed for the Night: Humanitarianism in Crisis* (New York: Simon & Schuster, 2002).
154. The discussion below on the securitization of aid is based on the groundbreaking study by Lisa Bhungalia. See Bhungalia, *Elastic Empire*.
154. Among the political parties and militant groups listed are Hamas, Palestinian Islamic Jihad, Popular Front for the Liberation of Palestine, Al-Aqsa Martyrs' Brigades, and Abdullah Azzam Brigades. Among the NGOs and civil society organizations listed as terrorist organization are the Union of Agricultural Work Committees, Addameer Prisoner Support and Human Rights Association, al-Haq, a prominent human rights organization, Defense for Children International-Palestine, Bisan Center for Research and Development, Samidoun Palestinian Prisoner Solidarity Network. For a detailed account on the work of lists, see Bhungalia, *Elastic Empire*, Chapter 3.
156. *Amended and Restated Mission Order No. 21, Anti-Terrorism Procedures, Executive Order 13224*, September 24, 2001, https://www.usaid.gov/sites/default/files/2022-05/USAID_WBG_Mission_Order_21_2007.pdf.
157. US Government Accountability Office, "West Bank and Gaza Aid: USAID Generally Ensured Compliance with Anti-terrorism Policies and Addressed Instances of Noncompliance," GAO-24-106243, December 7, 2023, <https://www.gao.gov/products/gao-24-106243>; and Bhungalia, *Elastic Empire*, 3.
158. Bhungalia, *Elastic Empire*, 55.
159. *Ibid.*, *passim*.
160. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), "Palestine Refugees," accessed September 2, 2025, <https://www.unrwa.org/palestine-refugees>
161. The agency acted fast, fired the people named, and launched an investigation led by the UN Office of Internal Oversight Services (OIOS). Philipp Lazzarini announced, "to protect the agency's ability to deliver humanitarian assistance, I have taken the decision to immediately terminate the contracts of these staff members and launch an investigation in order to establish the truth without delay," adding that "any UNRWA employee who was involved in acts of terror" would be "held accountable." But before the accusations could be confirmed and amid competing reports, 16 countries, following the US lead, cut their contributions to UNRWA. Agnès Callamard, Amnesty International's Secretary General, said, "It is deeply shocking – indeed inhumane – that several governments have taken decisions that will cause further suffering to two million Palestinians, who are already facing the risk of genocide and an engineered famine just days after the International Court of Justice ruling concluded that the survival of Palestinians in Gaza is at risk." The withdrawal of funding was seen here as a form of collective punishment for the actions of individuals meant to undermine the credibility of the agency which is now the primary provider of shelter, food, water, and employment for Palestinians in Gaza. See Philippe Lazzarini, UNRWA Commissioner-General, "Serious Allegations against UNRWA Staff in Gaza," January 26, 2024, <https://www.unrwa.org/newsroom/official-statements/serious-allegations-against-unrwa-staff-gaza-strip>; Amnesty International, "Israel/OPT: States Must Reverse Cruel Decision to Withdraw UNRWA Funding," January 29, 2024, <https://www.amnesty.org/en/latest/news/2024/01/israel-opt-states-must-reverse-cruel-decision-to-withdraw-unrwa-funding/#:~:text=The%20allegations%20over%20the%20involvement,living%20in%20neighbouring%20Arab%20countries.>
162. Israel Policy Forum, "Understanding Israel's New Anti-UNRWA Laws," May 29, 2025, <https://israelpolicyforum.org/anti-unrwa-laws/>.
163. Israeli philosopher Adi Ophir coined moral technologies. See Weizman, *Least of All Possible Evils*, 3, as cited in Tanielian, "Silent Slow Killer," 8, note 46.
164. De Waal, "Starvation in Gaza."
165. For instance, the Gaza Health Ministry reported that since the total blockade of March 2, 57 children had died of malnutrition. United Nations News, "Gaza: 57 Children Reported Dead from Malnutrition, Says WHO," May 13, 2025, <https://news.un.org/en/story/2025/05/1163166>. The most recent IPC report from June 6, 2025, found 470,000 people (22 percent of the population) in Catastrophe (IPC Phase 5), over a

million people (54 percent) in Emergency (IPC Phase 4) and the remaining half million (24 percent) in Crisis (IPC Phase 3). IPC Global Initiative, *The Gaza Strip: IPC Acute Food Insecurity Analysis Special Brief—April–September 2025*, (June 6, 2025), https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Apr_Sep2025_Special_Report.pdf; United Nations News, “Gaza: Over 400 Palestinians Killed around Private Aid Hubs, UN Rights Office Says,” June 24, 2025, <https://news.un.org/en/story/2025/06/1164846>.

166. It has been reported that another group also named Gaza Humanitarian Foundation was registered in Switzerland. Wood said the one in Delaware was his fundraising organization. Patrick Kingsley, Ronen Bergman, and Natan Odenheimer, “New Gaza Aid Plan, Bypassing the UN and Billed as Neutral, Originated in Israel,” *The New York Times*, May 24, 2025, <https://www.nytimes.com/2025/05/24/world/middleeast/israel-gaza-aid-plan.html>. Also see, Yaniv Kubovich and Bar Peleg, “How Netanyahu’s Office Chose a U.S. Firm with No Aid Experience to Run Gaza Food Project Behind Israeli Army’s Back,” *Haaretz*, May 25, 2025, <https://www-haaretz-com.proxy.lib.umich.edu/israel-news/2025-05-25/ty-article-magazine/premium/how-pms-office-chose-firm-with-no-aid-experience-to-run-gaza-relief-behind-idfs-back/00000197-0620-dff8-abff-9766e9bc0000>. The project according to the *New York Times* was “first conceived in late 2023, weeks after the start of the war, by a group of Israeli officials and military officers and their partners in the Israeli business sector.” See Patrick Kingsley and Jin Yu Young, “Head of New Gaza Aid System Resigns Over Lack of Autonomy,” *New York Times*, May 26, 2025, <https://www.nytimes.com/2025/05/26/world/asia/gaza-aid-wood-independence-resigns.html>.

167. Jake Wood is cited as saying: “It is clear that it is not possible to implement this plan while also strictly adhering to the humanitarian principles of humanity, neutrality, impartiality, and independence, which I will not abandon.” Kingsley and Young, “Head of New Gaza Aid Program Resigns”; Patrick Kingsley, Ronen Bergman, and Natan Odenheimer, “New Gaza Aid Plan, Bypassing the UN and Billed as Neutral, Originated in Israel,” *The New York Times*, May 24, 2025, <https://www.nytimes.com/2025/05/24/world/middleeast/israel-gaza-aid-plan.html>.

168. “We have approved funding for \$30 million to the Gaza Humanitarian Foundation, and we call on other countries to also support the GHF, the Gaza Humanitarian Foundation, and its critical work. A track record of distributing over 46 million meals distributed to date all while preventing Hamas looting is absolutely incredible and should be commended and supported.” Thomas Pigott, Principal Deputy Spokesperson, *Department of State Press Briefing*, June 26, 2025, <https://www.state.gov/briefings/department-press-briefing-june-26-2025/>. It seems that Reilly has been in negotiation with Israeli officials since 2024 and by late that year “a team led by Mr. Reilly had settled on the idea of forming a foundation to fund and hire private contractors to take over aid distribution in Gaza.” Patrick Kingsley and Jin Yu Young, “Head of New Gaza Aid System Resigns.”

169. Lisa Rozovsky “U.S.-Backed Gaza Aid Fund Gets Israel’s Approval and Will Begin Operations This Month,” *Haaretz*, May 15, 2025, <https://www.haaretz.com/middle-east-news/2025-05-15/ty-article/premium/u-s-backed-aid-fund-gets-israels-approval-and-will-begin-operations-this-month/00000196-d45f-de9d-adf6-ddff87c20000>.

170. Humanitarian and human rights organizations have opposed its creation and refused collaboration with this new organization for not being a “genuine humanitarian effort” but rather an arm of the Israeli state. ABCD Bethlehem et al., *Leading Aid and Human Rights Organisations Condemn the Gaza Humanitarian Foundation as a Dangerous, Politicised Sham*, Reliefweb News and Press Release, May 19, 2025, <https://reliefweb.int/report/occupied-palestinian-territory/leading-aid-and-human-rights-organisations-condemn-gaza-humanitarian-foundation-dangerous-politicised-sham>.

171. De Waal, “Starvation in Gaza.”

172. Lisa Rozovsky, “UN Slams Israel’s Gaza Aid Distribution Plan as ‘Incompatible with Humanitarian Principles,’” *Haaretz*, May 8, 2025, <https://www-haaretz-com.proxy.lib.umich.edu/israel-news/2025-05-08/ty-article/premium/incompatible-with-humanitarian-principles-un-slams-israels-gaza-aid-distribution-plan/00000196-b054-dceo-abfe-ff7c37b20000>.

173. Ibid.

174. The Health Ministry in Gaza as of June 2025 has counted 549 killed near aid centers. See Nir Hasson, Yaniv Kubovich and Bar Peleg, “It’s a Killing Field’: IDF Soldiers Ordered to Shoot Deliberately at Unarmed Gazans Waiting for Humanitarian Aid,” *Haaretz*, June 27, 2025, <https://www.haaretz.com/israel-news/2025-06-27/ty-article-magazine/premium/idf-soldiers-ordered-to-shoot-deliberately-at-unarmed-gazans-waiting-for-humanitarian-aid/00000197-ad8e-de01-a39f-ffbe33780000>; Over 400 people is cited by Lisa Rozovsky and Reuters, “U.S. State Department Approves \$30 Million in Funding for Gaza Humanitarian Foundation,” *Haaretz*, June 27, 2025, <https://www.haaretz.com/us-news/2025-06-27/ty-article/u-s-state-department-approves-30-million-in-funding-for-gaza-humanitarian-foundation/00000197-b080-df21-a1df-f5c880880000>.

175. Israel’s Ambassador to the U.S., Yehiel Leiter, revealed the involvement of Israel in the venture that had been presented as an American project: “Together with the U.S. – mostly the U.S. – we created a company

comprised of ex-Green Berets who've worked with USAID and distributed humanitarian aid around the world, most recently in Haiti." Leiter said: "They founded a company that will distribute aid in Gaza." Jane Clinton, Yohannes Lowe, and Tom Ambrose, "Middle East Crisis: US-backed Gaza Aid System is 'killing people', says UN Chief – As It Happened," *The Guardian*, June 27, 2025, <https://www.theguardian.com/world/live/2025/jun/27/israel-closes-crossing-aid-points-gaza-famine-middle-east-crisis-latest-updates-news?filterKeyEvents=false&page=with%3Ablock-685ec5ff8fo8ac61dea2f5ee#block-685ec5ff8fo8ac61dea2f5ee>.